



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

SELECT COMMITTEE ON ESTIMATES 2023-2024

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

Members:

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

TRANSCRIPT OF EVIDENCE

CANBERRA

TUESDAY, 25 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.

APPEARANCES

ACT Audit Office	729
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Chief Minister, Treasury and Economic Development Directorate	805
Community Service Directorate	776
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Amended 20 May 2013

The committee met at 9.00 am.

Appearances:

ACT Electoral Commission

Cantwell AM CSC, Mr Damian, Electoral Commissioner
Spence, Mr Rohan, Deputy Electoral Commissioner
Hickey, Mr Scott, Chief Financial Officer

THE CHAIR: Good morning and welcome to the public hearings of the committee on estimates 2023-24. Proceedings today will examine the expenditure proposals and revenue estimates for a bunch of things.

The committee wishes to acknowledge the traditional custodians of the land we are meeting on, the Ngunnawal people. The committee wishes to acknowledge and respect their continuing culture and the contribution they make to the life of 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 will be recorded, transcribed by Hansard and will be published. The proceedings are also being broadcast and webstreamed live. If you take a question on notice if you can emphatically say, "I will take that on notice," we can be on the same page. In this first session we will hear from the ACT Electoral Commission. We welcome Electoral Commissioner, Mr Damian Cantwell and officials who are appearing by Webex.

Can I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Could you confirm officials, for the record, that you understand the privilege implications of the statement?

Mr Cantwell: Yes, I can confirm that I understand the implications of the statement.

THE CHAIR: As we are not inviting opening statements we will go straight to questions.

Mr Cantwell, we are now a fraction more than 14 months out from the 2024 election. I understand you are well underway with the boundary redistribution program. In May 2023, you published the proposed electoral boundaries and there are some important changes, particularly to Brindabella, Kurrajong and Murrumbidgee. What data are the new electoral boundaries based on?

Mr Cantwell: The data which underpins the considerations of both the redistribution committee and then subsequently, the augmented Electoral Commission, are sourced from the Australian Bureau of Statistics and also the AEC. This ensures we have the most current data available both in terms of data that is current and also projections. That is the source of the information upon which deliberations are conducted in the context of achieving the legislative quotas.

Under the same legislation there are of course a range of other factors which we need to duly consider, which has been the case throughout the process. The redistribution, as an overall process, remains ongoing. The augmented Electoral Commission under the chair of David Kalisch continues its work, and subsequent to the work of the redistribution committee closing earlier this year, we are still working through that process. We hope to have that process completed soon, but of course we need to go through the appropriate steps to make sure the objections which were received to the proposed redistribution are duly considered.

THE CHAIR: You accepted submissions for these updates from registered parties in the ACT. Did all of those registered parties provide a submission?

Mr Cantwell: I do not believe so. I will just check with Roh. The major parties contributed initial suggestions as part of the initial consultation phase. We did not receive any objections from any of the registered parties in the objection phase as it is called, but there is the objection to the proposed distribution. We welcomed all community input including that of the parties as you have indicated.

THE CHAIR: There are five objections raised by members of the community to that May proposal. How will the Electoral Commission process those objections? How will that impact, if at all, on the final outcome of the redistribution?

Mr Cantwell: Well, I cannot make any definitive comment on that or get ahead of the deliberations of the augmented commission or its decisions, but the process by which those objections are considered is exactly in accordance with the legislation. Those objections were published on our website for others to see. Essentially the process by which we consider those objections is to first determine the need for a public hearing or otherwise. That is essentially informed by whether the matters raised in those objections have been considered previously. The legislation is quite clear as to the reasons or the circumstances under which a public hearing will be conducted. That process is ongoing and it would be wrong for me to comment or make an independent conclusion about how that would impact upon the redistribution because the augmented Electoral Commission is still working its way through those considerations and through those objections.

MR CAIN: Commissioner, were you surprised to learn that only five members of the public raised objections to the proposed boundaries? Is that a normal number?

Mr Cantwell: I will check with Roh as to how many we had last time. I think it was a similar number last time.

Mr Spence: It was slightly higher last time, but it is not uncommon for there to be fewer objections than there are suggestions and comments.

MR CAIN: It makes me wonder how broad and accessible is your offer to take submissions? How much notice does the public get so they know they can actually present a view?

Mr Cantwell: I think your point there is very valid, that is we want to make sure we give every opportunity for the community to understand the process and to be part of

it. The legislation is quite clear and prescriptive in the periods of time by which we initially call for suggestions, it is a 28-day window. Then having concluded that 28-day window there is a 14-day period for comments upon those suggestions. That is then the key for the redistribution committee to sit and consider those suggestions and comments, and then to determine, in accordance with the criteria set by legislation, the initial proposed redistribution. That is in turn then published and we have done that in accordance with the timeline. Then the objections are received. We have now received, for consideration by the augmented Electoral Commission, those objections to the initial proposed redistribution.

I think that process is a full, fair and open process. It is certainly conducted in accordance with the legislation. It is very important that we have done that and I am comfortable that is the case. As I said it is still ongoing, and we have done all we can to ensure the fact that it is occurring is out there. We have conducted a number of media releases, progressively; the information is available on our website; we have done a number of radio interviews and the like. So, yes, I think we have got the message out there and people are engaging.

I think it is a sign that those who have engaged have done some pretty thorough research. There are some issues that are dealt with pretty convincingly throughout and there are those that are expressing personal viewpoints and so forth. So it is a range of different approaches being undertaken by members who have taken up the opportunity to engage with us.

MR BRADDOCK: Our truth in political advertising laws will be in place for this next election for the first time. What preparation work has Elections ACT done to be ready for this?

Mr Cantwell: A couple of lines of effort in that space. Roh and I have travelled to South Australia to speak to their commissioner and their staff, who have practical experience in enacting this legislation. As you are probably aware, our legislation reflects the South Australian legislation. In a financial sense, we have bid for and received a provision for additional funding for staff to help enact that provision. It will be a challenge for us because it is new and we need to be prepared for the opportunity under the legislation for people to make appropriate challenges or otherwise. I need as a commissioner to be able to investigate those based upon the complainant's allegations and then I need to make a timely informed decision. The experience of South Australia has been very instructive in that space. We will do, along with all the other rehearsals and preparations that we are currently conducting or planning to conduct, a range of activities which includes rehearsing such objections or complaints being received.

This is on top of all the other legislative procedure we need to deliver as we prepare for delivery of elections. There is a range of other information packages we are developing for the community to understand just what the legislation is about. It is one thing to bring legislation, and then we need to resource it. We need to make sure the community is aware of what that entails, just what the expectations are around enactment of that legislation, and of course, in our own operational procedures, develop policies and procedures to make sure we are delivering them in accordance with the legislation. Another challenge for us, but this is what our core role is and that

is what we intend to do. I am confident the planning and preparations are appropriate for that.

MR BRADDOCK: I note that in the federal government, the Joint Standing Committee on Electoral Matters has also recommended a similar provision for federal elections. Has there been any conversations happening between Elections ACT and the AEC about that sort of issue?

Mr Cantwell: In broad terms, yes. We have shared as a forum at the Electoral Council of Australia and New Zealand, which shares a whole raft of learning and operational experiences. Of course, within the context of varying legislative requirements. Yes, I have had a couple of discussions with the Electoral Commissioner and the staff at the AEC. We also have a very healthy forum across the deputy level and across working groups across each of our respective staffs. I think the most instructive engagement we have had so far though, as I said, is with South Australia who have lived experience in this space. In particular, although they have had the legislation in place for a while, the most recent state election was a very important proving ground for the legislation, and we spent a fair bit of time with Mr Sherry and his staff in South Australia to understand how they went about that challenge. We have also made arrangements, in terms of staff exchanges and secondments, to benefit from the experience of South Australia by physically drawing upon the experience and capacity of their staff in a form of secondments to assist us in our preparations and delivery of our election here for next year.

MR PETTERSSON: How commonplace are electronic voting booths going to be in the 2024 election?

Mr Cantwell: They will feature very prominently. We intend to deploy our EVACS, the Electronic Voting and Counting System. The number of polling booths we have yet to determine. It will be informed by an analysis of the expectations of voter demand and voter load across each of the five electorates. One of the key tenets of our planning and delivery of elections is accessibility. We want to ensure we provide the appropriate requisite number of polling locations, and indeed within those locations, electronic voting terminals to deliver the election. The experience in 2020 highlighted the increasing community expectations, and indeed satisfaction, with that form of delivery of voting. It provides a very convenient, quick and trusted means for members of the community casting their votes. The advantages within that electronic voting system are many, but they include a quick capacity for us at Elections ACT to collate and deliver the result. That is a very important part of our preparation.

As part of the service delivery plan, which I am developing—and I hope to have a draft available from October this year, so 12 months out, it will give further indications of the plan for the actual delivery of the election. As we get closer to the date next year, we will make sure the community is informed of where they can vote and highlight the advantage that is offered to people to take up EVACS. Of course, there are other forms of voting. The postal votes, the early voting capacity, and depending upon how this legislative amendment bill progresses through the Assembly, we will double down on our efforts to be able to provide voting for homeless, or other members of our society who otherwise are not able to attend voting locations on the day.

MR PETTERSSON: What share of votes at the last election were cast with an electronic voting booth?

Mr Cantwell: Seventy per cent, I think. It is in our report, but we can confirm that very quickly before we finish here.

Mr Spence: Yes, it was in the low seventies.

THE CHAIR: I did not realise it was that high. I know by the sounds of your answer, Mr Cantwell, that this is not finalised, but how many more electronic voting places do you think there will be in 2024 as opposed to 2020?

Mr Cantwell: 2020 was unique thus far, in terms of the COVID impacts. We deliberately planned for and deployed 15 early voting centres across the ACT, across those five electorates. We had those voting stations open for earlier and longer periods than was otherwise historically the case. We deployed additional machines within each of those locations so as to facilitate the members of the public meeting the COVID-safe plan we had developed at the time. The plan was about minimising the risks to individual voters and to staff. The voters could see via an online tool we made available where the least number of queues might be, and they could then go to a range of voting centres with minimal risk of exposure to queues or to crowds gathering at the time, which you will recall is one of the key risks to spread COVID. We also provided a range of normal COVID safe practices within each location, but importantly the opportunity for people to vote electronically as a method of casting a vote, was a key part of our public messaging, and the public took that opportunity under those COVID safe arrangements.

It is difficult to make a direct comparison of the data from 2020, but I think across the board, across all jurisdictions, early voting has become a community expectation and a demand. I believe electoral management bodies need to respond to that to continue the theme of accessibility and participation in the democratic process and that is reflected in our election report and our operational planning for 2024. We will look at that very carefully and we will make sure the voter demand is matched by our capacity to deliver, within the resources available to us and within the requirements of the capacity to put it out electronically.

I visited each of the polling locations a number of times in 2020. I watched and I spoke to a number of people. We conducted independent surveys subsequent to people voting. There is a clear demand and expectation that that service will be available and I intend to do that sort of same thing again as a planning intent. I do not expect, hopefully, anything like COVID to be impacting upon our delivery for next year, but we need to be prepared for that expectation, to deliver those voting channels as the community expects it across those locations. Again, it is a key part of our voting preparations to ensure we have the resources, the equipment, the training in place around that EVACS capacity, but at the same time catering for those voters who still prefer to use a paper ballot and have that capacity available for people as well.

MR BRADDOCK: The JACS inquiry into the last election made a range of recommendations regarding the timely scrutiny of the voting software. Are you on

track to make sure that this is available for public inspection six months before the election?

Mr Cantwell: Yes. Absolutely.

MR BRADDOCK: Will you also still be requiring non-disclosure agreements from people who have viewed the code?

Mr Cantwell: It is not my intent to do that this time round. Centred around the other integrity assurance measures that we have planned and are enacting and developing as part of our transparency measures for 2024, I think the plan is at this point, as it has always been, to make it publicly available but to remove the requirement for a non-disclosure agreement.

MR CAIN: There will be perhaps a bit of overlap with the last two questions but I note that in previous years you have significantly underspent on capital projects from 2018-19 to 2021-22. In particular, for that year there was a systemic rollover funding of capital injections. I understand this was primarily due to issues faced by delays in supply and services and with vendors due to disruptive events. On page 7, budget statements A 2023-24, you estimate spending \$430,000 of the \$608,000 of the capital injections for 2022-23. Was this expenditure dedicated towards updating and modernising your ICT infrastructure and the IT electoral systems?

Mr Cantwell: I will defer to Scott, my CFO, if I give him a moment to look at the figures. But in essence, yes, the nature of the updates and the modernisation that we are undertaking with our, predominantly, ICT systems are fraught with delays from ICT vendors and the like. We continue to look very carefully at any potential risks to the delivery of our electronic-based or ICT-based voting systems as we prepare for the election. We work very close with the vendors, our ICT experts within the ACT government and federal security agencies in particular, in the context of ensuring that they are trusted and cybersecure services.

There are ever-increasing threats around the protections of our ICT systems and a good part of the work we do in development of those systems is centred around ensuring their electoral integrity and cyber-resilience. There is, therefore, a methodical approach taken to these modernisation activities to our ICT systems. Coupled with the sometimes fickle nature of ICT vendors in this space and the nature of the systems that we are developing, being unique or first of type in many cases, such as OSEV, overseas operating system, as an example, it takes a dedicated and methodical effort. The financial resources linked to development of those plans, checks and developments are necessarily sometimes delayed, hence, within the financial provisions, the rollover of funds you described.

You asked a specific question about what they were used for. My first answer is yes, they are used for that purpose you have described, but I will just throw to Scott to confirm the nature of the expenses against that rollover.

Mr Hickey: Essentially all of the capital funding the Commission receives goes into the modernisation or the various aspects of the Electoral Commission's ICT systems that we run. In regard to the issue of the rolling over of funds, the Commission, to try

and address the needs of getting these systems modernised in a timely manner, we have various things. We do get the budget bids and receive funding through those mechanisms. But where we have, say, some excess funding through our controlled recurrent payments as well, using the protocols of the offices of the Assembly, the budget protocols which have been agreed between the Treasurer and the Speaker, we roll funds over. We also move funds from our recurrent payments into capital payments.

We have an issue in that we know every election cycle there is going to need to be enhancements to the Commission's ICT environment, legislation changes, we have learnings through every election about software, things which can be enhanced, things that can be improved. One of the big challenges we face as an organisation is the timing and the receipt of that funding. With working in a four-year time cycle and the budget process, by the time we complete an election—so we will have the election in October 2024 and the budget process will be underway for the next year shortly after that. We have not finished completing a lot of the processes in the election. We are very strapped for resources as far as our commitment to get many things done, such as non-voters, going back through, doing our learning lessons and that.

So we normally will miss that first budget cycle for preparing and submitting business cases for the capital. Typically by the time we are able to get into a position to prepare a business case we are about 18 months into that four-year cycle and there is only so far that we can ever go with preparing and going down the track. We can talk with vendors and the like but until we have certainty of funding we can only progress that so far. So that is one of the big challenges the Electoral Commission faces with its ongoing operations, is that we do not have permanent ongoing capital funding to help us with doing those enhancements to the ICT systems.

MR CAIN: Okay, so that shortfall of \$178,000 not spent in 2022-23, was that rolled over into the \$255,000 budgeted for 2023-24?

Mr Hickey: Yes, yes. The unspent funding has been rolled over and we are expecting that to be completed in—well, it will be completed in the 2023-24 financial year. There are other capital works we are also dealing with through our cash reserves to address other areas within the electoral systems that we saw needed enhancements as well. So while the capital funding which was specific to some projects has not been spent, in total we have actually spent above that amount in capital funding for the year. We actually have had \$672,000 that we have been putting into enhancements into the commission's ICT systems.

MR CAIN: You have mentioned enhancements and I note that enhancements of the electoral ICT systems and processes is a priority for 2023-24. Will these upgrades be a focus of the capital injection of \$255,000? What will these enhancements look like?

Mr Hickey: It will be a priority. The specifics of the enhancements, I will pass across to Roh because Roh is more intricately involved in the specific projects.

Mr Spence: Yes, the enhancements are largely lessons learnt in functionality and operational requirements of all of our systems. It is a typical process every four-year election cycle that we deploy the systems, we observe them in production and identify

improvements and enhancements that are required. Then of course we talk to experts in security and integrity and identify improvements that can be modernised in those systems to meet the ever-changing needs in that cyber environment. So we do that every four years and then deploy at the election and repeat.

MR CAIN: What were the significant lessons learned that these enhancements will address?

Mr Spence: The 2020 election was the first election in which our electronic voting and counting system utilised touch screen navigation systems. So there were some improvements in the way that ballot papers can be presented and configured so that the touch screen capacity is met. There are security improvements, a whole raft of those that have been identified in between elections, and just progressively improving to meet those demands.

THE CHAIR: Thank you Mr Cantwell and officials. That is the end of this first session. I do not think there was anything taken on notice.

Short suspension.

Appearances:

Office of the Commissioner for Sustainability and Environment

Lewis, Dr Sophie, Commissioner

Gardner, Mrs Miranda, Director, Complaints and Investigations

Herbert, Ms Victoria, Acting Assistant Director

THE CHAIR: For this next session, we welcome the Commissioner for Sustainability and the Environment, Dr Sophie Lewis, and officials. Proceedings are being broadcast live. Proceedings today will also be transcribed and will be published on the Assembly website. If you are taking a question on notice, be emphatic about it and say, “I will take that question on notice,” and then we will all be on the same page. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw attention to the privilege statement. We can do this universally by voice. Could the three of you confirm for the record that you understand the implications of the privilege statement and that you agree to it.

Witnesses: Yes.

THE CHAIR: Excellent. We are not inviting opening statements. We will now proceed straight to questions. Commissioner, are you able to tell us about the response that you have had to your report on wood heaters in the ACT? It was quite a report.

Dr Lewis: Can you please clarify what you mean by “the response”? Do you mean from government or more broadly?

THE CHAIR: If there is something that you can share with us from government, but even the response more widely. It was certainly a report that made a bit of a splash, and I am keen to hear about the response you have had.

Dr Lewis: Thank you for your positive remarks on the report. The report brought together as much evidence as we could obtain, both publicly available and from within the ACT government, regarding wood heater policy and the impact of wood heater usage in the ACT. Based on that, we made a set of recommendations about improving the safety of Canberra’s environment and air quality through reducing the number of wood heaters over time in the ACT.

We have received a fair amount of correspondence from the community regarding the report, and, on the whole, that has been deeply appreciative, thanking us for the recommendations that we made that will improve the air quality and health of our environment. We have had individual community members contact us and describe their current situation and the impact of wood heater usage on their health or the health of their families. We have had various groups who are focused on the medical side of poor air quality—for example, Asthma Australia, the Lung Foundation, Doctors for the Environment, and other peak bodies—communicate to us that they hope that these recommendations are accepted and implemented.

THE CHAIR: I do not even know if I can ask this. Have you received any indication from the ACT government as to which recommendations from the report may be accepted and which ones will not be?

Dr Lewis: No. We have not received that information. We are awaiting the formal response to the report, which is due six months after the tabling date. In the meantime, we have tried to distribute the report as broadly as possible and communicate that as effectively as possible, both to the community and also to members of the Legislative Assembly. As part of that, we have undertaken a series of briefings. We have also attempted to find out additional information regarding the impact of wood heaters in that time and to correspond with various elected representatives around that.

We have certainly had mixed results in the office. Some of our correspondence has not been responded to. We have received particular concerns about some aspects of the health impacts of wood heaters, particularly for the residents of Canberra who live in public houses and are affected by wood heaters being the only source of heating available to them. We have tried to work with the government on that issue, but we have not yet had much luck.

THE CHAIR: You have not had much luck in terms of working with the government on that issue?

Dr Lewis: Yes. For example, my team and I, based on the information that we have sourced and pulled together for the investigation on wood heater policy, are particularly concerned about homes where wood heaters are installed and used because people do not have the financial ability to use a safer form of heating. We are particularly concerned where that occurs in public houses that are part of the ACT government's property portfolio. As part of that concern, we have reached out and attempted to communicate that concern with elected representatives, and, as I said, we have not had much luck in doing so.

THE CHAIR: I am going to close. And I know Ms Clay has a stack of supplementaries. You mentioned feedback from a number of organisations, including Asthma Australia. When we spoke to Ms Goldman from Asthma Australia in a hearing last week, she moved on to fire pits and expressed a view. She is from Asthma Australia and she expressed a view that fire pits should be banned in the ACT. Did any of your work, in compiling this report, stray into that area? Smoke is smoke. So was there any push, was there any evidence or was there anything that suggested to you that we should make some moves in that area?

Dr Lewis: While you are quite correct that smoke is smoke, and smoke from wood has emissions that are problematic to human health, in this report we focused exclusively on indoor wood heaters. We have subsequently been asked questions regarding whether there would be implications for outdoor fire pits or outdoor cooking appliances and the impact on air quality from those outdoor appliances. The report did not look into that. Part of the reason for that, as you will see in reading the report, was scarcity of data. We were unable to find data on how many wood heaters are in the ACT, let alone how many outdoor fire pits there are. We are focused in the first instance on what we saw as the most frequently used problematic appliance that has the most evidence and information about it.

THE CHAIR: I am asking you for a straight up opinion: whether you think it would be beneficial to examine fire pits. I would have thought that it is more about fire pits

than meat smokers because fire pits are going to emit more smoke over a longer period of time. When you drive down some streets in Tuggeranong in the middle of winter, every fourth place will have smoke coming from something. Half of them will be wood fires and half of them will be fire pits. Do you think it is warranted to further examine that space?

Dr Lewis: What is important here is not my opinion. None of this investigation is based on my opinion.

THE CHAIR: That is a good start to the answer.

Dr Lewis: We have applied expert judgement in pulling together the evidence. The point of this report was to leave aside opinion, knowing that this is a really divisive and important issue to a lot of the Canberra community, and actually look at the established evidence. What that evidence demonstrated was that there is no safe level of air pollution and wood heaters comprise an important source of air pollution that is affecting Canberrans' health. There may well be other sources of air pollution that we did not investigate in this report, including outdoor fire pits, and I cannot really say the extent of that. It is based on opinion. I would have to look at the data.

THE CHAIR: That is fine.

MS CLAY: I have a supplementary. Commissioner, we heard some very powerful evidence initially from Asthma Australia that one in eight Canberrans suffer from asthma. They presented the estimated national costings: the health cost of each wood fire heater is around \$3,800. We had some discussion in estimates about how difficult it is to cost those sorts of things, but that was the evidence presented. We then had a discussion with our health minister, our environment minister and our minister for the EPA about this matter, and they said, as the Chair has indicated, that this is currently subject to government decision-making because they are considering your report.

It is interesting to me that, having released this excellent report with really good evidence and quite a strong call to phase out wood heaters in the same way that we are phasing out gas—and which has been echoed by Doctors for the Environment, Asthma Australia and a number of reputable stakeholders—you are receiving a lot of correspondence to your office on this matter. Do you have any intention, ability or process where you would write to government with a follow-up letter saying, “Just so you are aware, since I released this report, I have received 30 emails”? Is there any way that you can take that extra information, since the report, about what the community feels about it?

Dr Lewis: We would have the opportunity to communicate that informally if we were subsequently briefing or discussing the report, but we would not have any formal mechanism. Although I would say that it would be likely that, if a community member or group contacted me regarding the report, I would suggest that the most important avenue for that person or organisation to articulate their position would be with their elected representatives.

MS CLAY: Great. Thank you very much.

Commissioner, I will go to another report that you conducted some time ago, the *Scope 3 greenhouse gas emissions in the ACT* report, which is now settled from the point of view of the government. They have responded. I will not revisit recommendations, but I will note that, yesterday, we spoke to the Minister for Climate Action, Andrew Barr, and we spoke about an action in the Climate Change Strategy which is about ensuring that the cost of climate change and adaptation matters are considered in all budget policies, decisions, capital works and procurements. We got an interesting answer. I will not quote it because I do not want to misquote the minister. Did your report on scope 3 emissions, which covers some of that same ground, identify any options to ensure that scope 3 emissions are better calculated in our budget decision-making?

Dr Lewis: The short answer to that is no, and the long answer is that the scope 3 report was looking at encouraging an uptake in accounting for scope 3 greenhouse gas emissions. I suppose that is more foundational than influencing or informing budget decisions. What we recommended in that report was that the ACT government implement a methodology—that is, decide on a methodology for scope 3 greenhouse gas emissions accounting and then report on that every three years. Having that methodology and accounting system could be then used for informing decision-making. That did not come from the scope 3 greenhouse gas report, but we have certainly made recommendations in previous reports regarding greenhouse gas mitigation and adaptation that are aligned with what you suggested, in terms of informing budget decisions such as considering the social cost of carbon in decision-making. That comes more from the 2019 *State of the environment* report.

MS CLAY: Great. I do not wish to ask you for opinions; I wish to ask you for your views based on your studies. Do you think it is easy or difficult for leaders to make budget decisions that take into account the climate impacts unless they conduct some kind of targeted assessment of the climate impacts? Do you think it is the sort of thing that most political leaders would be able to eyeball? I will give you a bit of context. The reason I am asking is that you have made previous recommendations that we should be going through a process and reporting every three years. In the Climate Change Strategy, it says that there should be a process to make climate assessments, and I am wondering why we would have these recommendations that you need to intentionally assess climate impacts if it is easy to simply eyeball.

Dr Lewis: I can answer that based on expertise rather than personal opinion. I do not think it would be possible to assess the climate impacts of a particular project, initiative or spending decision exclusively from what you described as “eyeballing”, although you may be able to provide, from eyeballing, a best guess as to whether something has a big or a small comparative climate impact. In terms of making an actual assessment of the impact on climate change—if we are talking about climate change emissions or adaptive requirements—that would require an established methodology or approach to make an actual assessment rather than something based purely on individual perception.

MS CLAY: Excellent. I will summarise with one last question to make sure that I am clear. We have had a lot of conversations about this with many ministers. It is not possible to assess the climate impacts from mitigation or adaptation unless you assess the climate impacts from mitigation or adaptation. Is that right? You need to conduct

an assessment to assess it.

Dr Lewis: Yes. I would think you would need, based on that assessment, some sort of methodology criteria—something that was able to be applied by more than one person, for example. If we were going to look at the impact of a particular spending decision, we would need a methodology of that set of criteria—an approach that I could use, Miranda could use and Victoria could use, rather than my perception alone as to whether something was a big or small climate impact.

MS CLAY: Thank you.

MR PETTERSSON: I was hoping the committee could get an update on some of the complaints that you have received in the past financial year and the investigations undertaken.

Dr Lewis: Absolutely. I will hand to Miranda to talk through our complaints.

Mrs Gardner: We have had only one complaint in the last financial year that we have taken to an investigation. That was regarding the removal and then replanting of heritage listed trees at Downer. The complaint was around concerns about limiting solar access from these trees, which are exotic non-natives deliberately planted as part of the development in a way that is designed to block the weather—as a windbreak, so they are very heavy-shading trees. We have completed that complaint report and circulated it to all stakeholders. We do not publish our complaint reports, although we can provide a copy if you wish. The actual findings of that one were quite complicated. There were detailed interplays between different policies and the way that those were applied by officers during the development application. It is not really possible to summarise in this setting, but we are very happy to provide a copy if you would like that.

MR PETTERSSON: That would be wonderful. Thank you.

Dr Lewis: In terms of our investigations, which goes to the second part of your question, we have already spoken to the investigation into wood heater policy in the ACT, which was a commissioner-initiated investigation. We did not have any minister-directed investigations in that financial year. The other key piece of work is the 2023 *State of the environment* report, which will be delivered to Minister Vassarotti in December 2023. If you would like further information on that, Victoria might be able to give you a quick update.

Ms Herbert: Yes. At the moment, we are undertaking a lot of the writing of the core components. We have been obtaining data from lots of different directorates, so we have a number of different core topical environmental themes that we are currently investigating and there are some environmental indicators that we are exploring at the moment.

MR PETTERSSON: Great.

THE CHAIR: Thank you, Mr Pettersson. Ms Clay has much interest in this very short session, so I am going to go to her for what could be the last substantive.

MS CLAY: Thank you kindly, Chair. It might be a small one. Commissioner, in the budget papers, on page 11, are the FTEs for EPSDD. It is consolidated. It includes your resources as well. They have 748 FTEs in 2022-23 and 772 FTEs in 2023-24. Could I check: how many FTEs do you have in your office?

Dr Lewis: Over the past financial year that has varied between under six through to seven. Over that period we had some variation because we have had, at times, up to three of the FTEs on birth leave, concurrently, and we have also tried to exemplify hybrid and flexible work arrangements. We have had changes in the fractional time that people are working, so it varies. There are, roughly, six FTEs.

MS CLAY: Great. You have quite a high reporting workload. You have *State of the environment* reports and you have self-initiated investigations, and I have certainly seen from waterways and scope 3 that some of these are quite significant in what they are looking at and also in the decisions they are influencing. You are also doing complaints-based investigations, and I have seen one of those recently. Do you feel that you have the resources you need to do that work?

Dr Lewis: Do you mean in terms of FTEs and revenue?

MS CLAY: Yes.

Dr Lewis: Yes. In that sense, I feel we have sufficient resources. If I can answer your question more fully, I think that the major barrier to undertaking those legislative functions that you have outlined with complaints-handling investigations and the *State of the environment* report is, rather, the time that the office spends requesting and obtaining information from directorates.

MS CLAY: Interesting. That is a significant source of workload—that you ask for the information and you do not receive it?

Dr Lewis: At times, we do not receive it. At times, it takes a considerable amount of our time to follow up and obtain that data. For example, Victoria spoke to the *State of the environment* report and the work we have undertaken to date. The time frame that we provided to directorates for providing us with that information was mid-April. We are yet to receive information from some directorates.

MS CLAY: Goodness.

Dr Lewis: Over that time, I am sure you will appreciate, we are not just waiting; we are actively following up on that information. That takes a considerable amount of time when there is a three-month delay in terms of assessments of certain indicators.

MS CLAY: Yes. I have an understanding of the impact of that. Our own office has an FOI that is currently outstanding by six weeks and that is causing significant concerns on information that we really need, so I certainly understand that. Are there any particular directorates or is it across the board that you are having that issue?

Dr Lewis: I would not say it is across the board—no. We have had significant delays

for the *State of the environment* report from two directorates in particular, but this is not an issue that we find is exclusive to our *State of the environment* report. This really underpins our complaints investigations. In the wood heater report, we also encountered this issue. There are the FTEs that I outlined—and you will see, if you dig into it, that we underspent in the last financial year—and we are well resourced in that regard, but the capacity of the office to obtain and receive information is where we really struggle to undertake the work that is required of us under our legislation.

MS CLAY: When you make a request for information, there is no statutory time line that applies to that, is there? You just set a reasonable time line, such as, “Please respond by April”?

Dr Lewis: Yes. That is correct.

Mrs Gardner: Our legislation specifies that the commissioner specifies the time frame. It is statutory and it is referred to in the legislation, but there is not a specific period of time. It is at the discretion of the commissioner.

MS CLAY: Interesting. Have you had any thoughts about any changes that could be made by government to make sure that you are getting the information you need in the time frame you are setting? I am going to take it as read: I am certain your time frames are reasonable. I am certain you are not calling up and asking for it tomorrow.

Dr Lewis: Yes. We certainly have thought about that. In the first instance, we have thought about how we inform that we are undertaking a piece of work, how we communicate and correspond. There were certainly changes that were made since the last *State of the environment* report. We advised directorates that we were commencing that work in September last year and requested contact officers in December. We outlined our time frames and what information would be requested. We ensured that we did that before Christmas, in response to delays that occurred in the previous 2019 reporting cycle. In the first instance, we undertook that internal review and change. But, as you can see from what I have described, I do not think that has made any kind of tangible improvement in the flow of information to the office.

MS CLAY: Thank you.

THE CHAIR: At 9.58, we will wrap that up. You are done. Thank you. If you took any questions on notice, please provide the answers to the committee secretary within five working days of receiving the uncorrected transcript. That is all. Thank you for your time.

Short suspension.

Appearances:

ACT Audit Office

Harris, Mr Michael, Auditor-General

Smith, Ms Caroline, Chief Operating Officer, Professional Services

THE CHAIR: In this third session today we welcome the ACT Auditor-General, Mr Michael Harris, and Caroline Smith, from the ACT Audit Office.

Before we start, I would like to reiterate that the proceedings are being broadcast live. The proceedings today are also being transcribed and will be published on the Assembly website. If you are taking a question on notice, please be emphatic about it by saying, “I will take that question on notice,” so that we are all on the same page.

I remind you, Mr Harris and Ms Smith, of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Can I get you both to confirm for the record that you understand the implications of the privilege statement and that you agree to it?

Mr Harris: I have read the privilege statement. I understand it and I agree to it.

Ms Smith: I have read the privilege statement and I also agree to it.

THE CHAIR: Excellent. We are not inviting opening statements, so we will proceed to questions. Auditor-General, I would hazard a guess that there are few people more knowledgeable about the ins and outs, the deficiencies or otherwise—everything—regarding procurement management in the ACT than you, because you have done a fair bit of work in this space. You have now tabled six reports in this Assembly related to procurement; as I understand it, two more audits are underway, on the HRIMS program and IT infrastructure renewal projects of PTG.

Recurring themes through each of these reports emphasised poor conduct of procurement and inadequate assessments of value for money. The most recent report found that procurement boards, which are an integral aspect of the procurement process, are “not optimally effective or efficient in fulfilling their functions”. No-one is disputing that managing procurement is challenging. It is challenging and it is complex. How many performance audits do you expect will be conducted before the cycle of what has certainly been classified by many as failures and blowouts are resolved? That is the starter question for you.

Mr Harris: How long do you have, Mr Parton? I am only here for half an hour. Thank you for the question. Let me start by saying that I think we are getting close to the end of the cycle of procurement audits. We have had, as you say, a broad range of audits across a range of different procurements, large and small, culminating in the one that we tabled recently, last week, on the Procurement Board itself.

It is fair to say that my initial thoughts in this regard were that the majority of the issues related to lack of expertise within the public sector, combined with a lack of frequency with which they dealt with particularly large procurements; and the nature of the territory and its infrastructure program has changed over time such that the

public sector is now doing more procurements and more larger procurements than it was before. That is just the nature of the evolution of time and the nature of the projects being undertaken.

I still believe that that is part of the issue. The advent of Major Projects has mitigated that somewhat because there is expertise sitting within that group which is very good at dealing with major project procurements. As I have expressed in the report we tabled last week, I now have the view that there are some systemic issues as well, largely sitting within the act within which the Procurement Board operates. If you read last week's report carefully, I am essentially saying that there are deficiencies in the legislation which make it difficult for the board to do its job. There is a lack of clarity in the objectives of the act, and there is a tension between a director-general's legitimate responsibility under the Financial Management Act to sign off on major projects and the board's role and responsibility to question, to interrogate, and to provide assurance and a clearance, if you like, that everything is as it should be when a major project or any project goes to market.

A significant amount of the difficulty that has been experienced would be avoided if the act were to be looked at and amended to provide clarity as far as the board's role and function are concerned, and to provide it with a bit more teeth to insist on changes to procurement process where it believes those changes are necessary in the interests of value for money assessment and in the interests of fairness for those going to market to offer their services to government.

THE CHAIR: That is an exceptional answer. It is a short session; Mr Cain has the call.

MR CAIN: Thank you, Chair.

You mentioned a lack of expertise. Obviously, you have touched on, as well, the need for some legislative review. With your broad oversight of procurement, it seems, over the past couple of years, what about the satisfactory level of governance over some of these projects? Did you identify any lessons that needed to be learned about the governance of these projects?

Mr Harris: It is fair to say that, in several of the reports that I have tabled, I have expressed my concern about the level of governance. The CIT case study, which was in the report we tabled last week, is a case in point. By their own admission, the government, in relation to HRMIS systems, have acknowledged some deficiencies. There have been a number of others where we have highlighted deficiencies as well. Again, I have not discovered—and I have certainly not reported, because I have not found any evidence of—deliberate misconduct in those procurements. I reserve my opinion in relation to CIT because I am not investigating those aspects of CIT; the Integrity Commissioner is.

A lot of it goes to inexperience in relation to the public sector. That should not be applied as a broad brush; there are certainly people within the public sector who have significant expertise and demonstrate it on a regular basis. But there has been a lack of practice at doing these procurements, and that is where I think the lack of expertise comes from.

Procurement ACT have an exceptional range of guidelines, policies and procedures and, if they are followed by practitioners, it is very difficult to see how you would get into trouble with a procurement of any size. But the simple fact is that on many occasions we have discovered that people have not followed the guidelines, the procedures and the policies that are in place—or taken the advice of the Procurement Board when they have offered it.

MR CAIN: Obviously, not following guidelines means who is making sure officers are doing that? Again that leads to the governance of these projects. What is your timetable for the review of the HRMIS program and the PTG infrastructure?

Mr Harris: On the PTG, we issued the engagement letters on Friday, I think; it may have been Monday, so we have just commenced that. A typical performance audit is about six to seven months, so it will be towards the latter part of this financial year for that one. With the HRMIS project, we were in the throes of a performance audit in relation to that project when the government made its announcement during the budget process. That has caused us to revisit the scope of the work that we are doing and the nature of the work that we are doing. That will be tabled in this financial year, certainly. I would hope it would be before the end of the calendar year, but it may be early 2024.

MR BRADDOCK: In addition to reform of the Procurement Board and the act, what else do you recommend to address systemic issues within the ACT government concerning procurement?

Mr Harris: A lot more compulsory training for people going through procurement. I have not resolved in my mind the tension that exists between a director-general's responsibilities under the Financial Management Act and their responsibilities under procurement legislation. That is a policy question, clearly, that the government will need to address. I am sure there is an answer to it.

Part of the answer is requiring people who choose to ignore the advice of the board to write down and publish the reasons why they have ignored that advice. That would go a long way towards changing the way in which procurements occur without impacting on the legitimate responsibility that sits under the Financial Management Act.

MS CLAY: Auditor-General, we heard last Tuesday from the minister for transport that the cost of a lot of our major roads projects has increased sharply. For William Hovell Drive, the ACT contribution was \$26½ million. The ACT contribution is now \$80 million, which is quite a lot of money for us in the ACT. Honestly, most of our major roads projects are doing that; they are all increasing. The same is the case with all of our capital projects.

We are spending a lot on roads. We have \$650 million in the budget, by our count. Canberra is now expecting a higher level of scrutiny on our major public transport projects, as they should. We have seen that with light rail. We are now in a phase where we publish cost-benefit analyses and business cases as soon as government feels that they are commercially able to publish those. I think that is now a new set point. That is just how that entire project will have to be run.

We asked the transport minister whether there were cost-benefit analyses and business cases done for these roads, and he said there were, but they are not public. Government do these; government have a process to decide, for a project that was worth \$26½ million but now involves \$80 million of ACT funding, whether this is still presenting value for money for the people of Canberra, whether we should do it now or delay it, and whether there are other options. They do run through a process, but they do not publish any of that information.

Do you think we should expect some of that information to be published for our roads projects in the way that we do for some of our other major projects?

Mr Harris: The prioritisation of infrastructure projects is a necessity and a challenge. The challenge with road infrastructure in particular, when you are comparing dollars with project components, is that they tend to evolve as they go on. I do not know the detail of the projects that you are talking about, so my comments are general comments about how difficult it is to predict where a major road project might go. I am delving into the depths of my memory in relation to my time in transport in other jurisdictions.

Capital projects would start with a particular scope and, by the time you start building the road, you might find a whole bunch of things that you did not expect to find and that change the scope of the project or add a road to it or whatever. It is notoriously difficult to say that a \$26 million project that started at a particular point in time is necessarily the same project as the \$80 million project you are looking at now.

Having said that, my personal view is that every infrastructure project that is undertaken with public money should have a cost-benefit analysis attached to it; and, in the interests of taxpayers knowing where their money is going, that information should be publicly available so that the value for money test is being applied in a public way and in a transparent way. I think that represents good practice.

Having said that, I do acknowledge that, when projects change in scope and nature, the benefits and the costs necessarily change with them; and the impact of inflation and external factors on the cost of materials that are used, particularly in road construction, are difficult to predict with certainty.

MS CLAY: It is concerning me because we are hearing from Infrastructure Australia that we are not in a blip at the moment of increasing costs on capital works; we are at the start of a massive trend in which we can expect all of our large capital projects to cost lots more. I feel that it is probably more urgent at this point in time to be scrutinising and considering which ones.

Mr Harris: It is also more difficult to contain cost when you have high demand for infrastructure projects. You see it in housing; you see it in road construction; you see it in all major infrastructure construction. The more demand there is, the higher the cost escalation figures go. You saw it during COVID with house renovations and so forth, where the cost of materials went through the roof.

MS CLAY: Because they are competing with one another for labour and supplies.

Mr Harris: That is right; in a labour market which is very tight, and in a supply market where logistics constraints sometimes constrain the availability of access to the supply of product and materials.

MS CLAY: These documents, these analyses, are not available to the public. Are they available to your office? I am not asking what you have made requests for and what you have looked at. Are cost-benefit analyses on major capital projects available to you?

Mr Harris: If I were doing an audit in relation to those matters and the cost-benefit analyses were considered to be relevant to the audit, yes, I would request them, and under the current legislation they would be made available to me. It would be extraordinary if they were not. As was the case with light rail, in both light rail instances we made reference to business cases or thereabouts.

Business cases and cost-benefit analyses in major projects like that are different to those that may or may not occur with road projects of one size or another. The scale of a project determines, to a large extent, the complexity and the depth of analysis that might go into a cost-benefit analysis or a business case.

MS CLAY: That makes sense.

Mr Harris: I will make one other point. It is not unreasonable for a very quick, short, sharp financial analysis to be done on a particular project if it is a small component of a larger exercise.

MS CLAY: Absolutely. Prioritisation of resources is perfectly reasonable. I will close off with one last question. It is difficult to control and predict the cost of a major capital project like a road, but is there any logical reason you can think of as to why a cost-benefit analysis can be provided for light rail but a cost-benefit analysis cannot be provided for a road? I would imagine both are major projects and both are transport. For both, the situation will change when you get close to designs and approvals. I would imagine the challenges will be quite similar for those two.

Mr Harris: The components of the cost analysis would vary, depending on the complexity of the project, and a cost analysis for a project like light rail is much more difficult than a cost-benefit analysis for a small road extension. The complexity generally comes in the benefits analysis rather than the hard numbers. The hard numbers are easy to predict and to manage. The soft numbers, which relate to the social benefits in particular, are the difficult ones, and they are the ones that are generally subjective in nature and based on assumptions. Every cost-benefit analysis lives or dies on the assumptions that underpin the analysis, so it is not actually the numbers you should look at; it is the assumptions that sit underneath, particularly the discount rate that is used to determine the current value of future cash flows.

MS CLAY: It is probably the assumptions that I would be interested in looking at publicly, frankly. So a roads project might actually be simpler, but in equal need of scrutiny.

Mr Harris: It is impossible to say until you actually get into the numbers.

MR PETTERSSON: The strategic review of the Auditor-General's office is due somewhat soon.

Mr Harris: Yes.

MR PETTERSSON: What work is required by your office in helping to complete that review?

Mr Harris: That is a good question, Mr Pettersson. The answer is: we could do nothing, or we could do a lot. There are a set of standards against which all audit offices and auditors-general are measured, and that framework exists at the international level and at the national and subregional level in Australia. We get assessed against that framework.

The work that we do is to go through that framework ourselves and do a self-assessment and make sure that—to our satisfaction, or what we believe will be the reviewer's satisfaction—every single piece of paper that is necessary, or practice or procedure, has been completed that is required by that framework, in order to present that to the reviewer when they arrive. Firstly, it is to prove that we are up to scratch; and, secondly, it is to make their life easier, because the shorter the review the less it costs, and I have to pay for it. That is a process that we go through at least before each strategic review occurs. Intermittently, at other times, we go through the self-assessment to assure ourselves that we are following best practice.

We have started that work, and I know that the Speaker has commenced the process of identifying and appointing a strategic reviewer; I would hope that would occur towards the end of this year, with their report to be tabled, hopefully, early next year.

MR BRADDOCK: The Director-General of Justice and Community Safety, in evidence last week, said that he was not entirely comfortable with some of the characterisations in Auditor-General's report No 4 of 2023. What does the audit office do to ensure agency concerns are addressed and all characterisations are factual and accurate?

Mr Harris: It is not unusual for directors-general to be in disagreement with some of the conclusions that I might write in my reports. Our process, and indeed the legislation, requires me to share with those that are referred to in my reports the information that is in the report, and I have to do that before I table a report. That goes to everybody who might be mentioned or involved in a report, including people who are outside the public service.

In relation to directors-general, whenever we conduct a performance audit, we share the draft report with the director-general at least twice, and sometimes more frequently, before it gets to final draft stage. I am required under the legislation to consider any comments that the directors make, or anybody makes, in relation to the reports and the material that I have written. If there is a circumstance where we have got the evidence wrong, we have missed something or we are in error, we will change the report. If we are given evidence that shows we have made a mistake, we will

change that.

I have to be satisfied about the commentary that is given to me, its accuracy and veracity. We go through a very rigorous process to check all of those things. Once we have considered that, whether we have made changes or whether we have not, we give the director-general the next version of the report, highlighting where we have or have not taken account of the comments that they have made.

At that point in time, if the director-general is still dissatisfied with the way the report is written, they are given the opportunity to write their own comment, which we will include in the report, attributed to them, verbatim. If they choose not to take up that opportunity, we do not include anything.

MR BRADDOCK: I assume that, since there was no comment provided to attach to that report, that was not necessary in that particular instance?

Mr Harris: That is a reasonable assumption, Mr Braddock.

MR BRADDOCK: Does the report raise concern about the governance processes in the directorate as well?

Mr Harris: We have expressed some concern. Which particular aspect of it are you referring to?

MR BRADDOCK: Purely about the procurement process, in terms of there were some governance concerns about records not being kept; assurances made to government that were not followed through on; and, let us say, a failure of process. I am concerned about the governance arrangements within that particular area of government.

Mr Harris: I raised criticism in the report, and I stand by the matters that I have raised.

MR CAIN: In the last estimates, you cited issues about retaining and recruiting staff in 2021-22.

Mr Harris: Yes.

MR CAIN: The issue is also reflected in this year's budget paper. On page 43 you mention that your employee expenses were less than the budgeted amount by \$0.611 million due to vacant positions brought about by "staff turnover and non-availability of suitable candidates". What sort of impact does this have on your office's ability to conduct audits?

Mr Harris: We have been able to supplement our staff with external contractors pretty reasonably. I am pleased to say that the employment market has changed and the environment is a lot better now than it was even when this commentary was written. In fact, we had three new audit staff start yesterday. I have had about half a dozen new starters in the past three weeks as well, on both financial audit and performance audit.

We are finding the market now is generating many more applicants than we were getting 12 months ago, and certainly two years ago, which is encouraging. I know from speaking with the commonwealth Auditor-General that he has found the same thing. The marketplace has improved significantly. We are at full complement now, on both sides of the audit teams. We are in the highest part of the financial audit season right now, so we need as many arms and legs as we can get. I am pleased to say that we are fully staffed at the moment, on both sides.

In relation to turnover, the only comment I would make is that, in every instance, people who have left have left us to go to better paid jobs in other places. So at least I am turning out decent staff.

MR CAIN: You have helped them on their development path. Can you identify anything about the change in the market that has made your recruitment a lot easier? What has happened out there, from your understanding?

Mr Harris: I do not know. Caroline might have better insights into that than I do.

Ms Smith: I must say that I do not actually know. I just know that we are definitely getting far more applicants, and good quality applicants as well. It has been a pleasant change because previously we would maybe get only a handful.

Mr Harris: Yes, it is not just numbers; it is quality as well.

Ms Smith: Definitely.

Mr Harris: We are now getting the ability to pick, probably, from three to four people for each job. It is not just this one person who can do it; there are two or three.

THE CHAIR: Where were these people three years ago? Where were they?

Mr Harris: Some of them are coming from other parts of the country. There is certainly something about the city, I think, that that speaks to. I would like to think it is a good place to work as well. I think we are attracting people because we have a reputation for being a good place to work. It is certainly a very good training ground for other audit offices.

THE CHAIR: And the winter is spectacular, isn't it, Mr Harris?

Mr Harris: There is no question about that.

MR CAIN: Perhaps some interesting things that you are pointing out about the local government has attracted people's interest.

Mr Harris: Yes.

THE CHAIR: Potentially. I will wrap up this session. Thank you for coming. I cannot remember whether anything was taken on notice. I do not think so.

Mr Harris: No; that was one of my objectives, Chair!

THE CHAIR: I think it is a good objective to have! Thank you. We will break.

Hearing suspended from 10.29 to 10.46 am.

Appearances:

Office of the Inspector of Correctional Services

Minty, Ms Rebecca, Inspector of Correctional Services

Courtney-Bailey, Ms Pip, Assistant Inspector of Correctional Services

THE CHAIR: Welcome back to the public hearings of estimates 2023-24. In this session we will speak with the Inspector of Correctional Services, Rebecca Minty, and Assistant Inspector Pip Courtney-Bailey.

The proceedings are being broadcast live. The proceedings today are also being transcribed and will be published on the Assembly website. If you are taking a question on notice, it would be useful if witnesses used these words, “I will take this question on notice,” and we will all be on the same page.

I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Can I get you both to verbally confirm for the record that you understand the privilege implications of the statement and that you agree to it?

Ms Minty: Yes, I understand.

Ms Courtney-Bailey: Yes, I understand.

THE CHAIR: Excellent. We are not inviting opening statements, so we will proceed to questions. Funding for the inspector’s office has increased in this budget. Can I ask straight up: is this increase, in your view, sufficient for your office to effectively meet its responsibilities without drawing down on your operational budget, as you have had to do in the past?

Ms Minty: Thank you for the question. Yes, as you say, we did receive new funding of \$168,000 a year over four years. This is funding for one FTE to cover our Bimberi oversight functions. We have been asking for this for the past five budget cycles. We are very grateful and pleased to see that money provided. I would also like to acknowledge and thank the MLAs that have supported the call for more resources.

It certainly goes to address our existing oversight functions regarding AMC and Bimberi. However, as you noted, we had previously drawn down on operational funding; we had put that to staff so that we could perform those functions. It will be reasonably challenging to meet requirements under the existing budget because there have been a number of critical incidents and some significant ones over the past two years. That takes a fair portion of our resources, in terms of both human resources, to actually do the reviews, and bring in the expertise where required.

We do not often bring in experts; it is about where we do not have the in-house expertise. For example, in the health space, we think it is important to have a clinician review clinical files et cetera. Unfortunately, with two deaths in custody in the AMC, that has involved critical incident reviews. This year there have been five incidents that have been reported to us as critical incidents.

This is a significant workload. When our office was put together, the original scoping was for one critical incident per year. I would say that, yes, it does go a long way to meet our existing obligations under the act, but the contingency that we cannot plan for is the amount of work we need to do on critical incidents. It will be very tight, I would say, at this point.

MRS KIKKERT: Just following up on that, Ms Minty, what do you see as a solution regarding the increased amount of incidents happening at AMC, and what kind of funding will you need to be able to meet those unexpected demands currently and into the future?

Ms Minty: Thank you for that question. At this point I will see how we go over the coming year. I do not want to put it out there that we need X, Y or Z. Another addition in the mix is the obligations under OPCAT for monitoring. With this new funding that we have for Bimberi, I want to be clear that it is not specifically OPCAT funding for regular monitoring under that treaty. It is for the fact that Bimberi came online, as part of our responsibilities, two years after our act commenced.

The NPM collectively—the Human Rights Commission, the ACT Ombudsman and ourselves—are looking at what additional funding will be needed to meet those requirements. That is a matter of ongoing consideration with the NPM. I think it is premature to say that I need an extra X number of staff et cetera. We will certainly use our budget and our operational funds wisely and see how we go.

MRS KIKKERT: That is understandable. Are you able to tell us what those critical incidents are—the five that happened this year?

Ms Minty: Yes. There was, tragically, a death in custody. There was an assault leading to admission to hospital. There was another assault leading to admission to hospital.

Ms Courtney-Bailey: There was an escape from the court.

Ms Minty: And another assault. The act is very clear about what amounts to a critical incident. I have discretion as to whether or not to review those critical incidents. Obviously, the most serious ones, such as a death in custody, we would certainly review, and we are.

MRS KIKKERT: What about the other four critical incidents? Will you be reviewing those four?

Ms Minty: Some of them we will and some of them we will not. I will not say anything further at this point. We do have criteria that we follow when we determine whether or not to review—whether it is in the best interests of the public. At the moment resourcing is not one of those considerations for our office. That is possibly something we need to consider internally because it takes away from other monitoring functions.

MR BRADDOCK: The *Healthy Prison Review* recommendation No 29 called upon

Corrective Services to report publicly on a quarterly basis the occupancy of the TRC and the TRP. The minister and government officials, when they were here last week, were of the view that there was sufficient transparency from annual reports and responses of this hearing. What is the importance of quarterly reporting of those occupancy rates?

Ms Minty: Thank you for that question. You referred to recommendation 29; is that right?

MR BRADDOCK: Yes.

Ms Minty: I will give the committee some background. We made that recommendation to have regular reporting of TRC occupancy numbers because we were cognisant of the fact that the TRC and TRP policy was under review. Instead of analysing or reviewing the actual content, because it had not been notified at that point, we took the view that an increase in transparency in this space would be a lever to drive change.

I am disappointed with the government's response that they see reporting twice a year as sufficient. As the *Healthy Prison Review* highlighted, we have a 20-bed centre which is a really important asset in terms of promoting rehabilitation, and it was empty for a significant period of the review. Of course, COVID was in place, and I fully acknowledge that, but we are now moving to a more operational time where COVID is not as much of a consideration. The figures reported last week were 11. The more transparency, the better in that space; and I would like to see more regular reporting, but that was not agreed by government.

MR BRADDOCK: Forgive me if I put words in your mouth; correct me. You are calling for greater transparency to be a lever for change to increase the numbers that are utilised in those facilities and programs?

Ms Minty: Yes, that is right. The idea was simply that awareness amongst the different stakeholders could be a lever to drive change.

MR PETTERSSON: In your last annual report your office said that it was going to commence a review of Bimberi. Has that work commenced and how is it progressing?

Ms Minty: Thank you for that question. We were set up in 2017, and there was a delay in our taking on Bimberi oversight functions for two years. We commenced those functions in 2019. In 2020 we tabled our first Healthy Centre Review of Bimberi. That was looking at the whole of the centre. We reported on that in 2021. As we have already discussed, with limited resources and not being funded for that oversight function, we have been unable to visit regularly since that 2021 review, although we have done a pilot visit recently. It is called, under the act, a review of a correctional service. It is looking at a theme, rather than covering the whole centre.

That has also served as a pilot NPM visit under OPCAT. We have been back recently and we fully intend, with our OPCAT responsibilities, to visit more regularly. That is how the Bimberi work is progressing. There was that significant body of work and now, especially with the additional funding, we intend to visit more regularly.

MR PETTERSSON: That is great. Thank you.

MR BRADDOCK: Recommendation 28 of the *Healthy Prison Review* called upon the government, as a matter of urgency, “to commit to increasing the size of the visits area to cater for realistic numbers of mainstream, protection and women detainees”. I note the government’s response: that it is examining this, to be undertaken as part of the broader planning. I am trying to reconcile that with your call, as a matter of urgency, for this function to exist. What is the impact of that function not potentially coming online for however many years?

Ms Minty: As the *Healthy Prison Review* identified, the AMC has outgrown its capacity. The visit centre, for example, was built for 250 to 300 detainees and numbers have significantly increased. The impact of that is that it reduces the number of visits. The complexity of the jail and the need to keep different cohorts separate means that there are more limited visits spots.

The capacity for Zoom visits is an excellent thing that has come out of COVID. I think corrections should be congratulated for bringing the Zoom visits in quickly. We hear that detainees very much enjoy that type of visit. But, because the visit centre is only as big as it is, it impinges on the ability to have more visits.

Without looking at infrastructure and expanding that space, it is limiting the ability of detained people to have regular contact with the outside world and contact with family, friends and loved ones. It is such an important part of maintaining connection to community, to rehabilitation. It also should be noted that around 25 to 35 per cent of people are on remand and have fairly short sentences, and keeping that contact is so crucial.

The government did note that recommendation. The response is fairly brief: it will be undertaken as part of broader planning. I do not know what that means. I am following that up with corrections because that does not give me a lot of detail as to what that means, especially for the day-to-day operations and detained people getting visits and so on.

MR BRADDOCK: Is the current infrastructure utilised to its best capacity? I must admit that when I was there I was rather disappointed because I was the only one who was visiting. I am not sure if the facility is being utilised as much as it could be.

Ms Minty: I guess it depends on what time you were visiting and what other things were going on in the jail. They certainly are attempting to utilise it to the maximum capacity, but part of the challenge is the rigid structures of the cohorts that we highlighted in the report. Essentially, there are 16 or 17 different groups that have to have different visit times. There is complexity there.

One thing—and I know that the government have acknowledged this—is that the lack of office space has meant that staff, programs, education, NGOs and others that are providing services are using space inside the jail. It is pleasing to see that there is a plan to move office space out to create a bit more flexibility. That is really positive, but it does not address the core, underlying issue that it is simply not big enough for a

jail that size.

MR BRADDOCK: Thank you.

MRS KIKKERT: Your 2022 *Healthy Prison Review*, on page 166, stated that there appeared to be “entrenched tension and animosity” between the health providers at the AMC, and that “the MOU is not being implemented in the spirit that it was intended”. Can you tell us more about how this situation came to be?

Ms Minty: Thanks for that question, Mrs Kikkert. The clinical reviewer that joined us for the *Healthy Prison Review* spoke to a whole range of providers, such as Justice Health and Winnunga, and we spoke extensively to detained people. I think that there are some challenges inherent in having an Aboriginal-controlled health organisation providing a service in the jail. The clinical review observed that there were some blockages in information sharing. That is certainly not newly identified. The government response points to the recommendation from the Auditor-General’s report on the management of mental health, and the call in that recommendation for oversight structures in the delivery of services under the services agreement. That part of the report is simply reflecting the ongoing challenge that exists and that we observed needs to be addressed.

MRS KIKKERT: I know that it needs to be addressed. Are you aware of any government attempts to foster closer cooperation between the three groups?

Ms Minty: I think that question would be best directed to corrections or Justice Health.

MRS KIKKERT: AMC.

Ms Minty: Yes, or Winnunga.

MRS KIKKERT: Or Winnunga. Thank you.

THE CHAIR: I want to talk about the AMC master plan and considerations for the directions that it goes in. As part of the master plan considerations, what would you recommend the government look at? Is this a good time to plan for accommodation exclusively for remandees, for argument’s sake?

Ms Minty: There is a need to acknowledge that remandees are not being separated and that they have additional needs, arising from the fact that they have not been convicted. The ACT is so complex, because we are putting everyone in one jail.

I think that the *Healthy Prison Review* highlighted a more pressing need for accommodation for women. That is probably the big priority at the moment. We talked to women and we talked to staff. The footprint of the women’s precinct, with two cottages and a more secure cellular cottage, does not provide the capacity to deal with different operational needs. For example, women are going to the management unit, which is in the broader part of the jail and accommodates men as well. That is not satisfactory. Women are going to the crisis support unit, and there is lack of privacy in terms of line of sight and verbal or aural, so that is not satisfactory.

The government response has certainly noted that there have been some improvements in the management of women. That is a means to reduce conflict, which is fantastic, and we support that, but it does not address the underlying need—that the footprint and accommodation does not enable separation. That is probably one of the big priorities.

THE CHAIR: In regard to the bigger picture there, the inspector noted in his 2019 report that a planned expansion of the Hume Health Centre would meet requirements for a prison of about 400 detainees but would not be enough if numbers went higher. It seems that the ACT has expanded the capacity of the HHC somewhat, but, in your opinion, does the Hume Health Centre have the capacity it needs for its current population and future growth?

Ms Minty: No. It simply does not have capacity, I would say, even for current needs. I note that there were some renovations, so there is an extra waiting area, there are Winnunga offices and storage space and a Winnunga treating room; but I would say no, and certainly not for future needs.

One thing, though: I am very pleased to note that there are now some KPIs that Justice Health have introduced for appointment times and patient flow. That was something that we recommended in a previous Healthy Prison Review. That is going to be really useful to gather data and look at things like how many appointments were made and then not attended. That will really assist in improving patient flow and maximising the limited footprint to its capacity, but I do not think it meets the future needs. The response around telehealth is important too. I am hopeful that we can try to get more from the space by using things like telehealth. That also has a flow-on in terms of fewer escorts, so that is less pressure on staff. There are a few workarounds, I think.

MS CLAY: We have had problems with capacity for women in AMC for a long time. How long has that problem been around?

Ms Minty: I think it changes, and it can change quite quickly. I do not know what the latest numbers are.

Ms Courtney-Bailey: There were 16 women as of last week.

Ms Minty: Yes. When numbers are around that level, there are certainly enough beds to accommodate them.

MS CLAY: It is comfortable, yes.

Ms Minty: But as you note, in 2019, I believe it was, women were moved to the special care centre because numbers were getting very high. Fortunately, numbers are not that high at the moment, but even when numbers are lower there is still that need to accommodate different needs and different cohorts. I think the trend is not increasing as it was back then, but things can change quickly.

MS CLAY: Yes. Particularly with such small numbers, a small change makes a big difference. Have you seen any budget announcements or government announcements

that will address the future needs of women? I have not, and I just want to make sure that I have not missed something.

Ms Minty: No, I have not seen any government announcements in that space.

MS CLAY: Thank you.

MR BRADDOCK: I want to go back to the master plan part of Mr Parton's question. Would you hope to be consulted as part of the government development of the master plan for the AMC?

Ms Minty: Not necessarily because, as an independent oversight body, we come in with an external lens to review and scrutinise. I am certainly open to informal discussions around what we see as the important issues, but I do not necessarily see a formal role of providing input. I think we need to be relatively separate from government processes.

MR BRADDOCK: Okay. Thank you. Going back to *Healthy Prison Review* recommendation No 9, which was about the Crisis Support Unit, you also mentioned another critical incident there. I am concerned about whether this goes to the crux of the issue within the CSU and whether this will adequately protect detainees who are coming through this particular unit. I am interested in your perspective on that.

Ms Minty: Just to clarify: I did not refer to a critical incident in the Crisis Support Unit.

MR BRADDOCK: My apologies.

Ms Minty: I did not intend to, anyway. There are no critical incidents that we are reviewing at the moment involving the Crisis Support Unit.

MR BRADDOCK: Sorry. Now I am very confused. Is there sufficient action being taken to address the concerns about the Crisis Support Unit and the safety of detainees there?

Ms Minty: Thanks for that question. I think the Crisis Support Unit does not take a therapeutic approach. I understand that we are in a prison and there are going to be different models of care. It is not the same as a community-based therapeutic centre, but the physical environment is very austere, very harsh. It is particularly difficult for women, as we have highlighted previously, in terms of privacy.

What we also found was that there was not a clear model of care or a clear policy governing how it should operate. Whilst there is the at-risk policy and when someone goes at-risk they may be placed in the Crisis Support Unit, that is focused on very short-term, immediate needs. We were observing that sometimes people were placed there for different reasons, for general observation, maybe coming back from hospital, for a medical reason, to observe them. This left an environment where there was no clear sense of the model of care.

Staff told us that they did not have any additional specific training for this very

challenging environment. That was the basis for this recommendation, acknowledging as well that in a review as broad as the Healthy Prison Review we cannot delve deeply into it. That was why we recommended that an independent, suitably qualified expert do a review.

In terms of the government response, I think there are different aspects. Yes, it is pleasing that there are some improvements at Dhulwa, and hopefully the flow of acutely unwell people will improve. I acknowledge that. But I will watch with a lot of attention, in particular, the focus that the government response has on improving operational policy and approaches jointly, and looking to other jurisdictions. I think that, essentially, the government response is saying, “We are going to do it in-house.” I will watch with interest because I think it is such an important area.

THE CHAIR: Thank you. We are going to end the session at this stage. Many thanks to Inspector Minty and Assistant Inspector Courtney-Bailey. We will have a brief pause as we set up the witnesses for the next session.

Short suspension.

Appearances:

ACT Human Rights Commission

Watchirs, Dr Helen, President and Human Rights Commissioner

Toohey, Ms Karen, Discrimination, Health Services, Disability and Community Services Commissioner

Griffiths-Cook, Ms Jodie, Public Advocate and Children and Young People Commissioner

Yates, Ms Heidi, Victims of Crime Commissioner

THE CHAIR: We continue with session number 5. We are having fun. We will speak with the ACT Human Rights Commission. Welcome. The proceedings are being broadcast live. The proceedings today are also being transcribed and will be published on the Assembly website. If you take a question on notice, please be emphatic about saying, “I will take that question on notice,” so that we can all be on the same page.

I remind witnesses of the protections and obligations afforded by parliamentary privilege. I would like to draw the attention of our four officials to the privilege statement. I am looking for a verbal “yes” here, if this applies to you, from all four of 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, so we will proceed to questions.

Ms Yates, at annual reports hearings in November last year I believe it was Mr Cain who asked about the broad purpose and general functions of Victim Support ACT’s Court Support Program. Ms Yates, how do you determine which cases you will take personal carriage of, as a court support person? Is there a specific policy in place to determine your personal involvement in that?

Ms Yates: We do have an internal policy which governs the triaging of matters up to me, which is applied throughout all of Victim Support ACT’s teams. Clients may come to us in a range of ways. They may be referred by an agency such as police or the Domestic Violence Crisis Service. They may find us themselves and make direct contact. At other times they may directly contact me, seeking assistance.

Our internal policy outlines where matters may be triaged up to me, such as where there is a very senior member of another justice agency involved. Let’s say that the Director of Public Prosecutions has been engaged directly with the client and the client is seeking our assistance in discussions or advocacy with the DPP; it may be brought to me if another head of agency is involved. There may also be urgency in a matter which requires advocacy at a high level with a member of the Legislative Assembly or with a director-general of a particular agency, such as an urgent safety matter relating to public housing or other issues involving the safety of children and young people.

There are a range of matters whereby cases may be brought to me by members of my team or, on other occasions, members of the community may reach out to me directly, seeking my help. I think, as I have indicated, I have worked with around 200 members of the community directly since I started in this role just over five years ago.

THE CHAIR: So there is, as you have stated, a triaging framework in place, but ultimately, because of the nature of the space, there is a fair bit of discretion involved?

Ms Yates: There is. My legislative functions are quite broad. They require me to ensure that victims of crime get the support, assistance and information they need, in association with their participation in justice processes. For almost 30 years I and the commissioners or coordinators before me have exercised their discretion in relation to direct client contact, which Canberrans often request and are grateful to receive.

THE CHAIR: Excellent. Thank you.

MR CAIN: Commissioner, are you currently taking personal carriage as a court support person?

Ms Yates: I have my next court support arrangement in place for, I think, a matter in August.

MR CAIN: You might need to take this on notice. Could you tell this committee how many cases you have personally taken carriage of as a court support person over the last three financial years?

Ms Yates: You wrote to me about this last year, Mr Cain, and I responded indicating that at present our database does not provide for the collection of different direct types of support, such as court support versus attending a meeting with the minister or with the victims. I cannot readily draw on the database for that data, which is what I responded to you with in my letter.

MR CAIN: Thank you. I do wonder. There are probably not that many. Surely your diary—

DR PATERSON: Is this a comment?

MR CAIN: notes would indicate which ones you have been at over the last period?

Ms Yates: Mr Cain, if you are seeking that I undertake a manual collection to give you an estimate of the number of people I have assisted, that would be time-consuming.

MS CLAY: You mentioned that you have seen around 200 members of the community in the last couple of years. Did I hear that right?

Ms Yates: I have worked with approximately that number, yes.

MS CLAY: Can you tell me any general trends? Are there big focuses for what the majority of that work has been?

Ms Yates: Around a third of that work has been with survivors of sexual assault. That has reflected a higher volume of concerns that are raised by the community with my office about people's experience of engaging with the justice system in the context of

sexual violence. I have worked with quite a number of the Aboriginal and Torres Strait Islander community who have sought my direct support on the basis of the fact that I have worked in the ACT community for several decades now and I have established trust and rapport with elders and others who have sought my help directly.

There have been patterns, in that they are some of the most serious matters—for example, the families of persons who have been killed in the ACT community. Where a murder investigation is on foot or there are related coronial proceedings, I have worked with those families more often than some other types of cases.

MS CLAY: Thank you.

DR PATERSON: How are sexual assault cases different in terms of how victims present and the support that is needed?

Ms Yates: In the first instance we know from national research that only a small proportion of people who experience sexual violence choose to report it to police. There are a range of reasons for that, as documented in the evidence, including fear of not being believed and people carrying a sense of blame, despite the fact that they had no control over the actions of the perpetrator. It may take decades for a survivor of childhood sexual assault to feel able to come forward.

In making reports to police you then have complications related to the fact that you are being asked to provide very intimate, personal details of violent acts perpetrated against you to someone that you do not know and may not have established trust or rapport with. People often have difficulties with that process. Further, the sexual assault prevention and response report that was handed to government in December 2021 talked about a range of concerns that victim-survivors had with their engagement with police and also the re-traumatisation that can be associated with giving evidence at court.

I have been really pleased to see government and, indeed, tripartisan support for the body of work leading out of that report, which seeks to better understand the reason so many sexual assault matters drop away from the criminal justice process before finalisation but also how we might make sure that each of our justice agencies, including our own, are listening to what it would take to make sure that victim-survivors suffer minimal re-traumatisation in the process of engagement with the justice process.

DR PATERSON: Thank you.

MS CLAY: In *Budget outlook*, it says that the government will provide additional resourcing to the Human Rights Commission to meet a growing demand for its services. What is driving the increase in demand? Are there any ready answers I can get on that subject matter?

Ms Griffiths-Cook: I can respond to part of that and my colleague Ms Toohey might add to that. Certainly from the public advocacy perspective, which is part of where that allocation will go, we have seen an increasing demand, particularly arising from mental health documentation, which has steadily increased since the COVID-19 2020

to 2021 pandemic. Some of the implications of that have certainly been felt by community members. We have seen an increase particularly in involuntary mental health notifications, which I think speaks to the challenges sometimes for people to access voluntary services in a timely manner.

MS CLAY: Interesting. You might not be able to provide this. It might be an opinion. Do you imagine that people may be less in need of your services, at the back end of the advocacy services, if we had more of the core health services at the front end?

Ms Griffiths-Cook: That would certainly be the ideal. With any service system, the earlier people are able to access intervention the less likely they are to spiral into situations of crisis, and that extends not just across mental health systems but also, obviously, across care and protection systems, youth justice systems, and the like. If we are able to apply better resourcing to better support families, they are less likely to spiral into crisis and inadvertently find themselves perhaps neglecting their children out of housing poverty and housing stress. All those sorts of implications can certainly arise. I would always advocate for greater investment at the primary end.

MS CLAY: Interesting. On the first day of hearings, we heard from Canberra Community Law. They did not feel they had the resources they needed to do their job and, when we had a little chat about that, it turned out that a lot of their resources were helping clients of public housing who were in court against ACT public housing. We had a bit of a conversation about whether the actual problem was lack of legal services for public housing tenants, at that end, or whether the greater problem was actually lack of public housing and lack of primary services. We had a bit of a chat with the minister for public housing about that too. Your comment on mental health sounds similar. We could better resource the advocacy and legal intervention services for people who have experienced harm from mental health and involuntary detention, for instance, or we could provide more resources for health intervention at an earlier stage, which may avoid that ambulance-at-the-bottom-of-the-cliff scenario. Have I captured that correctly?

Ms Griffiths-Cook: Yes. There will likely always be some for whom the involuntary system is required, where they perhaps do not identify that they require support and assistance. There is always going to be some form of involuntary system that will enable people to get health care that they do not themselves identify a need for. I still would say, yes, we need greater investment in terms of making services available when people are asking for them. There is certainly a cohort in that. I would not be able to generate figures, because we do not have oversight of the voluntary side of mental health service delivery. It is always the case: the more services that are available, as long as they are available in a timely manner when people are seeking them, will always be of better assistance to people in terms of getting better outcomes.

MS CLAY: I would like to open it up to see if any other commissioners would like to comment on that general issue. The original question was: there is growing demand for Human Rights Commission services, so what is driving that growing demand? Does anyone else want to weigh in with a comment on that? It is okay if you do not.

Ms Griffiths-Cook: We could probably say, in a shared way, that it is also the fact that we are becoming increasingly recognised as a service that responds well, in a

supportive manner, to people when they are seeking some assistance to navigate what are often quite challenging service systems.

MS CLAY: Which is a good reason. Commissioner Toohey.

Ms Toohey: Also, during COVID we saw an increased demand for our services, and certainly in my space, in the complaint space, that has been maintained. We have sought to have some of the temporary resources that we got during the lockdown periods and during those budget periods made ongoing resources, on the basis that the demand for our complaint-handling service has definitely been maintained over the past year. As the commissioner said, what we are seeing is that, because people had increased access to the service, there is increased demand. People are seeing us as a one-stop shop, which certainly in my space is what government was looking for in terms of providing us with a very broad remit around the range of complaints that we can deal with.

MS CLAY: We have budget papers acknowledging this increased demand. Have any increased FTEs been provided in the last couple of years to the Human Rights Commission?

Ms Toohey: Yes. Certainly in these budget papers, across the Public Advocate team and my team, there are some increased resources. We received some temporary resources last year and some of that has been maintained. We are in a slightly different position from a whole-of-commission perspective, but certainly across the Public Advocate team and my team there has been some increased resourcing.

MS CLAY: There is obviously an area of unmet need. Does anyone want to tell me what the biggest concerns are with that unmet need? That is a difficult question—sorry. It is hard when we have four commissioners working in different fields, is it not?

Dr Watchirs: Can I give a more big-picture answer?

MS CLAY: Please.

Dr Watchirs: You were talking about legal versus core resources. In the last 12 months, we have intervened in two Supreme Court matters—one in relation to an Aboriginal woman who was strip searched in the CSU and was refused leave to attend her grandmother's funeral, so we intervened in that case.

MS CLAY: I remember it.

Dr Watchirs: The decision has been reserved by Justice McWilliam. She also heard a case this month about the growth and renewal of public housing and three older women—one who had been in her home for 40 years—who do not want to move. One has a disability, one is Aboriginal and one is culturally and linguistically diverse. We have never actually been funded to do intervention work or AMC work and, in the 19 years that I have been in the role, we have had no budget increase in corporate or legal services. To me, that is an unmet need.

MS CLAY: That is interesting. That resonates quite strongly with Canberra Community Law's evidence on who they are seeing.

Dr Watchirs: In terms of submissions, we do over a hundred submissions a year to parliamentary inquiries and other sources. That is a lot for two lawyers.

MS CLAY: Yes.

THE CHAIR: They are always pretty solid.

Dr Watchirs: Thank you.

Ms Yates: In relation to victims of crime and demand, I would flag that we have had some increase in FTEs as a result of the PAVER review of our frontline services, which has been very welcome. But the early annual report data for the past year indicates we had a 54 per cent increase in community members accessing case coordination and an 86 per cent increase in financial assistance applications just in the last 12 months, on top of year-on-year increases for the last five years. We want to make sure that, when a member of the community picks up the phone or needs urgent help, we can respond. That kind of data reflects the growing trust, which we very much welcome, in our services. The levels of violent crime in Canberra are not going up, but we are still only meeting a small proportion of those who are harmed by crime. We really hope that the resourcing will continue to match what the community are telling us they need and, under the legislation, they are entitled to.

MS CLAY: Thank you.

MR CAIN: I explored this last year during estimates: the Child Safe Standards and funding for that. It seems that implementation of those standards by the government is a bit delayed. I know that you have \$433,000 allocated towards establishing the Child Safe Standards Scheme and \$3.3 million over the forward estimates, over 2026-27. What is the commission's understanding of how that is to be spent and the progress of establishing that?

Ms Griffiths-Cook: I was very pleased to see the government's investment in Child Safe Standards this year. Certainly, the way that the resourcing has been applied over the current year as well as the outyears means that there will be a gradual implementation process. The funding for this year is part-year funding, not full-year funding, which will enable some time to recruit, which is a good thing. The drawn-out implementation period means that we will need to manage community sector organisations' expectations about when direct support to organisations for implementation might be able to be provided. In the early couple of years, we will primarily spend it on a bit of system design as well as some resource development, but it is unlikely we will get to a point to be able to provide direct assistance to organisations until at least 2025.

MR CAIN: You have probably said this: the main reason that it is not going to be until that date is the building of the systems, the IT side of things?

Ms Griffiths-Cook: Yes—effectively, the budget allocation in the first year only

provides for part-year effect for two positions in the implementation space and a position for complaints handling, given that there is already existing demand that has been demonstrated over past years.

MR CAIN: Is there anything you would like me to ask the minister this afternoon about all that?

THE CHAIR: Well, you have to ask.

MR CAIN: I am going to ask. I am good, thanks, Mr Chair.

DR PATERSON: My question is to Commissioner Toohey about an article that was reported yesterday in the *Canberra Times* about 18 ACT healthcare professional complaints made to AHPRA. How does that intersect? How does that work intersect with your work? Do those complaints come through the commission as well? Do you investigate them? And can you provide any further detail on what those complaints are?

Ms Toohey: Yes. We have a co-regulatory model with AHPRA in the ACT, so any complaint to do with an individual registered practitioner can be made either to us or to AHPRA. Those complaints are eventually dealt with by the relevant professional board, be that the Medical Board or the Nursing and Midwifery Board. The nature of the matter will determine whether it is for us or AHPRA to deal with it, and sometimes it is about where it first lands. Those matters were reported over quite an extensive period, so it is not that they have all occurred in a short period. We have a particularly close co-regulatory model in the ACT, so, when a matter is lodged with AHPRA, we are notified about it. We then decide which agency is going to deal with it, depending on the circumstances of it. But, at each point in the process, it is a decision that is made jointly. Depending on the nature of the matter, AHPRA may deal with it, and then it will go to a board for a decision about regulatory action, if needed, or it may come back to us to go through the conciliation process. Because we have a quite close relationship, we are able to navigate the space around: is it more appropriately dealt with by the relevant board or is it a matter where there is an option to actually conciliate the process and give the complainant an outcome that they are looking for?

DR PATERSON: The *Canberra Times* report said that ACT healthcare professionals were accused of inappropriate sexual behaviour or misconduct 18 times in the last year. Is there reporting on the outcomes of those—

Ms Toohey: Not on the individual matters, because obviously there are significant privacy issues associated with that. Both in AHPRA's annual reports—and they do quarterly reports by state and territory—and in our own annual report, we do report on the broad outcome of matters. If it is a matter that ends up going to a tribunal, for example, such as a professional standards matter, then that is obviously in the public domain. But, for outcomes in the registered practitioner space, there might be no further action through to a tribunal matter, which might result in conditions, for example, on someone's registration.

The fact that the complaint was made about a boundary issue does not mean that there

was a finding that there was a boundary issue. You will have seen that there has been some public reporting around some practitioners, particularly in the massage therapy space and those sorts of things, where there are boundary breaches. They are not registered practitioners, so it is a quite different process. Sometimes you will get a complaint that raises an issue about a boundary issue or a professional conduct issue when in fact it might relate to communication or it might relate to someone's perception of what has occurred. So, even though they have reported 18 matters against those criteria, it does not mean there have been positive findings against those 18 matters.

DR PATERSON: Is it just something that the public will be assured of—that professional standards bodies will work it out and get to the bottom of what happened and resolve it?

Ms Toohey: I can understand there might be some public perception about the confidence in that. We are pretty unique in the ACT in that we are the only jurisdiction where the Human Rights Commission is involved in the health complaint process. We are certainly the only jurisdiction where the Discrimination Commissioner is involved in a health complaint, so you will appreciate that I bring a particular lens to the matters about what the thresholds are for what that behaviour looks like. We have provided some of that input to AHPRA and the professional boards over recent years, about where the thresholds are for what might constitute sexual harassment or a boundary violation.

As much as I do not like making motherhood statements to the ACT community, I think they can be confident that we have a very rigorous process, particularly, as I said, because we are involved at each point in the decision-making process. It is not that, as with some of the other jurisdictions, there might be a joint decision right at the beginning and then one or another agency will manage it from there on. We have visibility over all those matters throughout the process.

DR PATERSON: Great. Thank you.

THE CHAIR: Thank you, Dr Paterson. It is back to me and I am going to defer to Mr Cain.

MR CAIN: Thank you, Chair. I explored this last year with you and am obviously interested in some changes in this particular topic: engagement opportunities with the government. Again, I am happy for any of you to answer. Is there a regime for regular engagements with the government for each of you or with Dr Watchirs as representative of the whole commission? What is the schedule like? Is it adequate? Does it give you sufficient opportunities to present your views?

Dr Watchirs: We meet with JACS monthly and commissioners meet bi-monthly to talk about issues of concern in that directorate. We also meet with the Minister for Human Rights and the Attorney-General—the Attorney less regularly than the Minister for Human Rights. All commissioners attend that. There is a monthly JEC meeting, Justice Executive Committee—

MR CAIN: Sorry—did you say monthly?

Dr Watchirs: Yes. It is another forum, but that is more about information-sharing than our discrete human rights issues. Commissioners, of course, engage directly with ministers and MLAs according to issues. I will hand over to them if they want to—

Ms Griffiths-Cook: I generally find, when we reach out seeking meetings on whatever the issue might be—the one we are seeking to raise at any particular time—that it is responded to in a timely manner, certainly at the ministers level and with the senior executives in government. That has certainly been my experience.

Ms Yates: Our regular meetings and other collaborations are part of an important point of connection between government, NGOs and community. I am thinking about the work that I do on the Disability Justice Strategy or when I co-chair the family violence roundtable with the Coordinator-General for Domestic, Family and Sexual Violence. Those are practical and regular conversations about matters that are being raised by community.

Ms Griffiths-Cook: Increasingly, we are sought out early where there is a reform being considered by government and are asked our views so that those views can directly inform the direction that government might choose to take or at least so that we can bring forward any considerations that might be relevant for them in pursuing a particular reform.

Dr Watchirs: That is particularly in relation to human rights compatibility. In the last 12 months, Health, Education, CSD and Transport have all consulted regularly about draft bills.

MR CAIN: Are you satisfied that, particularly on legislative changes or proposed changes, you are engaged on the ones that you think you should be? Are there any gaps?

Dr Watchirs: Not that we are aware of.

MS CLAY: Commissioner, in the submission and evidence to the JACS inquiry about raising the minimum age of criminal responsibility, the Human Rights Commission recommended the exemptions be subject to a sunset clause. Why would a sunset clause be important?

Dr Watchirs: I could start, but my colleagues could also have input. We made that recommendation because we are unique in making the age 12 initially and then 14 later. In the Northern Territory, it is only the age of 12. There is no future commitment. By having a sunset clause for exceptions, that is a commitment that those provisions will go away rather than leaving it for a review and having to re-legislate an amendment. A sunset clause is a guarantee, I suppose, although the Assembly could change their mind and amend it. It is an in-faith kind of implementation in advance.

MS CLAY: The difference with a sunset clause is the Assembly decide up-front that those exemptions will be phased out and have to make a conscious decision if they want to change it, whereas, if you do not have a sunset clause, the Assembly decide

up-front to keep those exemptions. It is a flip.

Dr Watchirs: That is why we recommended it and the committee report picked it up, which is good.

MS CLAY: You mentioned your colleagues might want to comment on why it is important.

Ms Griffiths-Cook: It recognises some of the concerns that have been raised. If a child under 14 is considered to lack the capacity to be culpable for their actions in terms of a criminal charge, it seems odd that there would be some offences that they would be considered to have the capacity for versus others where they would not. It just draws on the solid understanding of development and developmental science, in terms of capacity, and what that means for children and young people under that age.

MS CLAY: It is a bit of a logical problem too—that, if we think children of that age do not have the capacity, we would hold to that for minor offences, but, when it comes to serious offences, we might suddenly think they have developed the capacity. One imagines it would be the same across the board or, if anything, that the culpability for higher offences, the capacity, is—

Ms Griffiths-Cook: Through the implications of actions.

MS CLAY: Given how rare and how exceptional and how unusual they are, it certainly seems illogical. Does anybody else want to comment on the issue of sunset clauses and the harm that might be caused if we do not sunset clause those exemptions? I am just wondering if Victims of Crime might have a view. You do not have to.

Ms Yates: My legislative functions require me to focus on the rights and obligations of victims in this context and, as I have given evidence before the Assembly before, this is a very sensitive and complex issue. In particular, we want to make sure that, in increasing the age from 12 to 14, we have the systems right. I am really pleased about the work government has been doing in consulting with our office and with the community more generally about ensuring victim rights—support and information that supports their safety, and ensuring they have a right to participation in that the conduct may no longer be a criminal offence but, nonetheless, may have a very serious impact on someone in the community—are heard and considered.

I am pleased from a practical perspective that we will have a chance to, I guess, test the system and I would absolutely want to see that it is working well prior to a sunset clause coming into effect. It allows us a bit of time to set the systems to demonstrate that we can secure victim rights, as is my focus, while still achieving this important reform, which overall does meet, in my view, the needs of victims, because of what we know about recidivism and early contact between a young person and the justice system.

MS CLAY: Interesting. Commissioner for Discrimination, do you have anything to add? It is okay if—

Ms Toohey: I think the president has addressed it in terms of the need, as have the other commissioners. In particular, we thought it was a more effective way of the Assembly turning its mind to the issue at that point, rather than just seeing it drift, which, as you know, is entirely possible if there is not a mechanism that actually has to be properly considered.

MS CLAY: Thank you.

MR CAIN: While you support a sunset clause as an option, is your stronger view that, really, there should not be any carve-outs or exemptions?

Dr Watchirs: That is our view from a human rights perspective, in terms of the rights of the child to have that special treatment, consistent with UN recommendations, and also from police evidence about the practicality of having different offences and different consequences. It is better to have a uniform system, but stage-by-stage implementation is, I think, effective.

MR CAIN: Thank you. I have something to do with budget accountability indicators. I am referring to table 20 in budget statements D, on page 22. I note that quite a few of your estimated outcomes are identical to the targets. It is probably unusual for that to happen, so I am wondering if you could explain what is behind that. Zero variation from a target is, in a way, very commendable, but it probably does not happen very often in reality.

Dr Watchirs: In some of them we have overachieved, and therefore the targets have been upped next year. That is in relation to the first—

MR CAIN: If it is overachieved, that should be recorded as a positive variance, should it not?

Dr Watchirs: Yes. The first two are positive of seven—

MR CAIN: Yes.

Dr Watchirs: so we have achieved 80 per cent, and we have changed the target to 80 per cent rather than the existing 75. That is in relation to the complaints process, whereas, within the time limits, we are on target. Would Commissioner Toohey like to comment on that?

Ms Toohey: I do not have the document. We are regularly asked to review them.

MR CAIN: I am happy if you want to take it on notice.

Ms Toohey: Yes. I am happy to take it on notice.

MR CAIN: I have another question on that theme. What service is used to conduct client surveys? How are the surveys conducted? Are they taken online or in person? How soon is it after the complaint?

Ms Toohey: For most complaints that we deal with, we send an online survey to all

the parties to the complaint—there may be more than two. Obviously, it is voluntary as to whether people participate. We have a reasonable hit rate. You would understand that sometimes it is the people who have a very good experience who respond and sometimes it is people who are very unhappy with the outcome who respond. We changed from paper based to electronic about two years ago and we have seen an improvement in the quality of the data that we get. For some of our larger organisations, where we might have a higher volume of matters, we do those as one-on-ones a couple of times a year, rather than send out the survey repeatedly to the same parties.

MR CAIN: Are you able to estimate the hit rate? For the number that you send out, how many people actually respond, percentage wise?

Ms Toohey: It is only about 15 per cent. We are working on how to get that number improved. It was, unfortunately, lower. One of the other things that we have to consider is the breadth of matters that we deal with. Given the number of matters, for example, in the health space that relate to mental health or our vulnerable person jurisdiction or our discrimination jurisdiction, they are often quite different cohorts of people with different levels of access and attention, if I can put it that way, to a customer satisfaction survey. It is something that we review every six or 12 months: what are the numbers looking like; are there different approaches we can take? We have made some changes to the format and we have kept the questions consistent to make sure that the data is consistent, but it has certainly been an issue that we actively pursue.

MR CAIN: Thank you.

DR PATERSON: My question is to Commissioner Griffiths-Cook. I am wondering about kinship carers. I have been speaking to a couple of kinship carers who are feeling very unheard in the processes that they have been going through—in fact, quite sidelined by the process—in terms of care for a child and where they have been given care of the child indefinitely. In your advocacy for children and young people, how do you see the role of kinship carers and the system's engagement with them in order to take into account the best interests of the child?

Ms Griffiths-Cook: Kinship care is a really solid way of meeting the needs of many children and young people, particularly where culture is a consideration for those children and young people. We have certainly noted over a number of reporting periods concerns that there may not be enough support provided for kinship carers to enable them to undertake those responsibilities, including front-end identification of the needs of a particular child or young person, and what that might mean in terms of support for family to enable them to be able to hold strong the children placed into their care.

We certainly have concerns raised with us by carers in that space. Equally, my colleague Ms Barb Causon, the Aboriginal and Torres Strait Islander Children and Young People Advocate, has had concerns brought to her since she has been in that role.

It is an area where there needs to be ongoing improvement, by way of both resourcing

of support and the engagement that they might experience. I am talking off the back of anecdotal matters. There are some for whom things might be working quite well. Obviously, the matters that are brought to our attention are ones where things are not working as well as a carer might like them to be.

That relationship, and the ability of the system to build a relationship, or those within the system to build a relationship with kinship carers, is integrally important to getting good outcomes for the children and young people in their care.

I should note, though, that that support is not necessarily government support. Some of the services for children and young people in care and protection are outsourced to non-government providers. There are a range of potential contact points that a kinship carer might have, which can be both a challenge and potentially an opportunity where there are circumstances where they are wishing to raise concerns. Certainly, my office is available to take on the concerns of carers, should they have them, and seek to have those reconciled by intervening with government or others in that space.

DR PATERSON: Is there a difference between foster carers and kinship carers in terms of the level of responsibility or the rights and responsibilities of the carers?

Ms Griffiths-Cook: No. I think the expectations of both are the same. The support, however, that is provided to kinship carers versus foster carers can be different, and that is part of the concerns that have been raised with my office at different times.

MR CAIN: On your report production, I noticed that the last report was in January 2021. What is it that you are hoping to achieve with reports? Are there more reports that you would like to do or are these case-by-case outcomes? I think you have issued five reports since 2016. Is this meant to be a substantive part of your work or more discretionary?

Ms Toohey: There are some matters that do result in reports. They often arise out of our commission-initiated consideration process—our systemic investigations. Some of those are public; some of those are not public. Sometimes that is because the nature of the material or the nature of the issues raised in the matter is more appropriately dealt with directly with the parties to the matter. It may, for example, undermine confidence in a particular service. That is not really where we want to get to, when part of the objects of our work is to improve service delivery. We want to make sure that we take the right approach with matters.

Some of those matters also result in a range of recommendations where we deal directly with the organisations. Where they cooperate with that, we do not need to go to a public process because we know that those recommendations are being implemented.

We have a number of matters on foot on the moment that are likely to result in some sort of public report. Certainly in my work, given the breadth of matters that we deal with and given the volume of matters that we deal with, we are not inclined to be doing 200-page reports with 500 recommendations. We try to be much more targeted about both the issues we are dealing with and the recommendations that are coming out of those processes.

Ms Griffiths-Cook: From a different perspective, you would be aware that, as Children and Young People Commissioner, we issue reports, on average, once per year, but more in some years off the back of our consultations with children and young people. They are a different type of report, but still reports that are developed, generated and produced on behalf of the commission.

MR CAIN: But not published alongside these five reports that I have referenced; is that correct—or are they published?

Ms Griffiths-Cook: They are all published, yes.

MR CAIN: The online survey tool, is that SurveyMonkey? Which one is it?

Ms Toohey: It is a tool that is developed as part of our database, so it links directly back into our database to ensure the anonymity of the person.

MR CAIN: So it is boutique—your own?

Ms Toohey: Yes.

THE CHAIR: Before we close, my understanding, Dr Watchirs, is that this is your final estimates hearing after 20 years.

Dr Watchirs: That is correct.

THE CHAIR: To me, it is a great honour to have chaired this final estimates hearing for you. Are you going to miss these or not?

Dr Watchirs: Probably not. I prefer annual report hearings.

MS CLAY: You are not statutorily obliged to answer that question!

MR CAIN: Are we counting the days or the hours? Are you down to hours yet?

Dr Watchirs: It is Friday, so it is not long.

THE CHAIR: We now draw this session to a close. I thank the ACT Human Rights Commission for your attendance today. There were some questions taken on notice. Could you provide answers to the committee secretary within five working days of receipt of the uncorrected proof transcript?

Hearing suspended from 12.00 to 1.01 pm.

Appearances:

Cheyne, Ms Tara, Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights and Minister for Multicultural Affairs

Justice and Community Services Directorate

Glenn, Mr Richard, Director-General

Cvetkovski, Ms Dragana, Chief Finance Officer, Strategic Finance

Ng, Mr Daniel, Executive Branch Manager, Civil and Regulatory Law, Legislation, Policy and Programs Division

McKinnon, Ms Gabrielle, Senior Manager, Civil Law, Legislation, Policy and Programs Division

THE CHAIR: Welcome back to the public hearings of estimates 2023-24. In the first session this afternoon, we will hear from Ms Tara Cheyne MLA, Minister for Human Rights, and officials.

The proceedings are being broadcast live. The proceedings today are also being transcribed and they will be published on the Assembly website. When taking questions on notice, it would be useful if you could be emphatic about it and say, "I will take this on notice," and we can all be on the same page.

I remind witnesses of the protections and obligations afforded by parliamentary privilege. I am hoping we can do this on the voices universally in the room. I want to draw your attention to the privilege statement. Could you confirm for the record that you understand the privilege implications of the statement and that you agree to it? Excellent.

We are not inviting opening statements, so we will proceed now to questions. Minister, in last year's estimates hearings, I believe Mr Cain raised the substantial delays in the implementation of the Child Safe Standards that you have overseen since becoming the Minister for Human Rights. I note that \$433,000 has been allocated in the 2023-24 budget towards establishing the Child Safe Standards Scheme, and \$3.3 million over the forward estimates up to 2026-27. Minister, are you able to provide a breakdown of the use of these costs budgeted for initially the establishment of the scheme?

Ms Cheyne: To an extent, yes. Under this initiative in this year's budget, the ACT Children and Young People Commissioner is being funded to support organisations to implement the Child Safe Standards Scheme as part of our government's commitment to implement the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

Our commitment at the time was that the scheme will focus on education and long-term capacity building, rather than prescriptive rules and penalties. Organisations will receive training, tools and support from the oversight body, which will be located within the ACT Human Rights Commission, and it will also have a complaints handling function.

The scheme and the funding in the budget resource the Human Rights Commission as

the oversight body to engage with organisations to support and promote a child safe culture, including accepting and investigating complaints about alleged breaches of the Child Safe Standards and, importantly, to facilitate resolutions.

The scheme will be implemented in a staged manner, and that is reflected in the budget resourcing. It is not known to us around the number of organisations to which the Human Rights Commission may need to lend support in the initial years of the scheme's introduction. We anticipate that the complaints and the regulatory work will largely be undertaken in the outer years. That is why we have determined that a staged implementation is appropriate.

Legislation is intended to be introduced late this year or early next year establishing the Human Rights Commission as the oversight body, but the funding allocated to the Human Rights Commission to administer the scheme is in the budget appropriation now. As I mentioned, that initial focus will be on capacity building, raising awareness and developing resources for organisations to implement the Child Safe Standards. That support can commence separately to legislation being progressed, given the standards are already agreed nationally.

THE CHAIR: Are you able to give me any more detail—and you have alluded to it in that statement—on that staged approach to funding? Are you able to, in layman's terms, indicate why that allocated funding increases considerably, as you have alluded to, year on year to 2026-27? What costs anticipated in 2026-27, for argument's sake, will not need to be appropriated for in 2023-24?

Ms Cheyne: As capacity increases and that complaints handling function and the regulatory functions come on board, we anticipate there will be a need for more staff. Effectively, it is \$3 million, as you have noted, over four years, then \$1 million indexed and ongoing, to support additional staffing and more staff being brought on board into the outer years. My understanding is that it is two staff in this financial year, then four, five and six in the outer years.

MR CAIN: Why does the allocated funding increase considerably year on year up to 2026-27? Are there costs anticipated in 2026-27 that are not applicable earlier?

THE CHAIR: Mr Cain, Ms Cheyne has just answered that question. Do you have another one?

MR CAIN: Yes; sorry, I was distracted. Where are the states and the Northern Territory at with implementing these standards, and how do we sit in the ranking regarding what stage we are at?

Ms Cheyne: I am not privy to that, Mr Cain.

MR CAIN: Is there someone who can take that on notice to inform the committee where the other states and territory are up to?

Ms Cheyne: I am sure we can take that on notice, yes.

MS CLAY: Minister, in the budget on page 4 we have additional funds for the—

Ms Cheyne: Ms Clay, you need to be clearer for us. The budget outlook or budget statements D?

MS CLAY: I believe it is the budget outlook.

Ms Cheyne: On page 4? I do not think so.

MS CLAY: How about I give you the reference, and let us see whether we need to look up the details? There are additional funds for the ACT Government Solicitor to enable it to respond to claims of alleged breaches of the Human Rights Act.

Ms Cheyne: This is for the Attorney-General, Ms Clay.

MS CLAY: You are responsible for the Human Rights Act policy. You are not responsible for—

Ms Cheyne: Mr Glenn can talk you through how this operates, but this is funding for the Government Solicitor's Office, which sits under the Attorney-General. Human rights complaints and breaches and how the government works with human rights is an all-of-government responsibility, but this is funding for the Government Solicitor's Office, which sits underneath the Attorney-General.

MS CLAY: Sure. Perhaps I can finish my question, and we will find out whether it is for you or the Attorney-General. That might be the simpler way.

Ms Cheyne: Go ahead.

MS CLAY: What I wanted to know was: what is causing that increase in claims of alleged breaches? Is that a question for the Attorney-General or is that a question for you? We have increased funds to respond to claims of alleged breaches of the act. What is causing that increase in claims of alleged breaches?

Ms Cheyne: Mr Glenn might be able to assist.

MS CLAY: Is that an Attorney-General question or is that a human rights—

Ms Cheyne: Technically.

Mr Glenn: Ms Clay, that is a question that, to an extent, spans the whole of government, because there are different matters proceeding through the courts in relation to human rights litigation. The needs of the Government Solicitor's Office, though, are a question for the attorney, primarily.

MS CLAY: Is it a question for the attorney regarding what is causing an increase in alleged breaches? Is that a question for the attorney?

Mr Glenn: That is a really difficult question for anyone.

MS CLAY: That is fine.

DR PATERSON: Minister, in October last year the justice and community safety committee recommended that the government implement the “no rights without remedy” petition, and the government agreed to immediately commence work towards the development of a bill to enable complaints to be heard by the Human Rights Commission. I am wondering where this process is up to. Will the government continue to support the introduction of such a bill?

Ms Cheyne: Yes, you are exactly right; the government did agree to develop legislation to enable a complaint about a breach of the Human Rights Act by public authorities to be made to the Human Rights Commission for confidential conciliation. I note the work of the JACS committee and your recommendations, and our response to that. In agreeing to that, we also agreed in principle to the proposal that if conciliation is unsuccessful, a complaint about a breach of the Human Rights Act could be made to ACAT for resolution.

As I noted in my response at the time, that latter proposal requires some further consideration, which we anticipate will occur once the Human Rights Commission’s new complaints jurisdiction has been operational for a period of time. Our focus now is on developing that legislation to enable the complaint about a breach of the Human Rights Act by public authorities to be made to the Human Rights Commission.

The Justice and Community Safety Directorate has been progressing the policy work for this reform. Noting that the extensive consultation on this proposal has been undertaken through both the petition that you led and the Legislative Assembly inquiry, the directorate has conducted some targeted consultation on the reform this year, and I intend to introduce legislation in this half of this year to establish the new complaints pathway.

DR PATERSON: Fantastic; thank you very much.

MR CAIN: What has caused you to pull back from allowing the matters to then move to the ACAT?

Ms Cheyne: I have not pulled back, Mr Cain.

MR CAIN: You said you were only going to pass legislation to allow the Human Rights Commission—

Ms Cheyne: Mr Cain, everything—

MR CAIN: Will the bill include the right to—

Ms Cheyne: May I finish? This is really disrespectful.

THE CHAIR: Mr Cain. Are we clear on what the question is, Minister, or not?

MR CAIN: Will the bill include the right to appeal further to the ACAT?

Ms Cheyne: No, Mr Cain.

MR CAIN: What has caused you to pull back on that?

THE CHAIR: Mr Cain, I think you have to allow the minister more time to answer the question.

Ms Cheyne: Nothing has resulted in me pulling back, Mr Cain. Everything I have just said is absolutely consistent with the position of government that we provided to you and to the committee that you chair in October last year. At the time the government agreed to develop legislation to enable a complaint about a breach of the Human Rights Act by public authorities to be made to the Human Rights Commission for confidential conciliation. At the same time nothing has changed. There has been no pull-back. The government agreed in principle to the proposal that if conciliation is unsuccessful a complaint about a breach of the Human Rights Act could be made to the ACAT for resolution. We agreed at that time in principle. Nothing has changed.

MR CAIN: Will the bill include the right to appeal to the ACAT?

Ms Cheyne: No.

MR CAIN: No? That is not what the committee recommendation was. Is there a reason you are not accepting that part of the committee recommendation?

Ms Cheyne: Yes, Mr Cain. As I stated 90 seconds ago, it is because the latter proposal requires further consideration, which will occur once the human rights complaints jurisdiction has been operational for a period of time.

MR CAIN: Why would you need to have further consideration when discrimination matters move through the same pathway and into the ACAT, which is also in alignment with the committee's recommendation? Why aren't you allowing these matters to go to the ACAT?

Ms Cheyne: I will ask officials to provide detail on some of the feedback we have heard from ACAT and from other consultations.

Mr Ng: Mr Cain, probably the best way to answer that is to refer to the government response to the petition. That articulated that, separately to the introduction of a confidential conciliation pathway, there are a range of other practical factors, such as the proper resourcing for relevant agencies, which are associated with that next tranche of reform.

In terms of the directorate's current activities, we are going through the usual process of the issuing of drafting instructions. We are having particular regard to engagement with the commission, who would be responsible for administering this first tranche of reform. The government response to the petition articulates that there are a few other considerations that are distinct and associated with that second tranche of activity which will be dealt with when government comes to dealing with the in-principle agreement which it has come to at this stage.

MR CAIN: Have you ascertained the staffing resourcing impact if the matters do

move to the ACAT?

Mr Ng: The focus of our work currently is the implementation of the first tranche of work which, as the minister articulated, is on this bill which will deliver the confidential conciliation pathway.

MR CAIN: Have you modelled the impact of going to the ACAT on staffing resources at either the ACAT or any other part of the government?

Mr Ng: No, Mr Cain. It is fair to say that that is the further activity which is envisaged that the minister referred to which needs to occur prior to government deciding to introduce that further mechanism to the tribunal.

MR CAIN: I believe the minister said that staffing resourcing was a factor in doing the first stage and seeing how that went. There must be some picture in the government's mind, or the minister's mind, as to what the impact would be if they did just go to ACAT as well.

Mr Ng: Mr Cain, with that more global environment, there are a range of different factors which would contribute to whether individuals would seek to pursue different complaints handling pathways. One of the benefits of the commission pathway is that they are a fairly informal exercise which is amenable to informal resolution.

While the tribunal does have particular processes in place to support self-represented litigants, for example, it does have a higher level of formality than the process which the commission can offer complainants. In terms of the assessment of the relative impact on staffing, we certainly were in discussions with the commission about the government position on the petition, and the government had regard to the views of the commission when deciding how it might respond to the two tranches of work associated with the petition.

MS CLAY: In this interim phase, when we are providing a complaints-handling jurisdiction for human rights complaints, ACAT is not involved. Maybe that will happen later; maybe that will not happen later. We have not yet made a decision—

Ms Cheyne: We have agreed in principle.

MS CLAY: Yes, but we are not yet there. How does the Human Rights Commission resolve a matter? What are their tools? They investigate the complaint; how do they end it?

Ms Cheyne: Now? Or what is envisaged under this legislation?

MS CLAY: Yes, what is envisaged before we have ACAT. What are their tools for enforcement or for bringing a complaint to its conclusion?

Ms Cheyne: Because of where this is at in the cabinet process, Ms Clay, these are subject to some future decisions of cabinet before we introduce the legislation. We are just on some strange ground here, in terms of anything that I would be suggesting would be hypothetical.

MS CLAY: So it is not yet decided; it is not yet announced?

Ms Cheyne: We are working through that policy development right now, and you will be privy to what is planned when the legislation is introduced later this year.

MR CAIN: If your bill passes in its proposed form, what happens to someone who is still dissatisfied after the human rights conciliation attempt? Where do they go from there?

Ms Cheyne: They could still go to the Supreme Court, Mr Cain.

MR CAIN: Obviously, that is a very expensive and daunting exercise for many, particularly self-represented; hence why the committee recommended the ACAT stage.

THE CHAIR: I think we have gone over that already. I believe it is your turn to ask a substantive question, Mr Cain.

MR CAIN: Minister, I note the ACT government's reports on progress towards implementing the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The last progress report was published in March 2021. The one previous to that was in December 2019, with the first one being in December 2018. That means it has been over two years since a progress report has been published by the government on the implementation of these recommendations. Will another progress report be published? If so, when is it expected to be handed down?

Ms Cheyne: Mr Cain, I am not the minister that has carriage of the overall implementation and responses to those recommendations, so I cannot speak to that. I am sorry; I wish I could be more helpful. I will see whether Mr Glenn—

Mr Glenn: No, I am sorry, Mr Cain.

MR CAIN: Does the minister, in her capacity here, have any role with those reports or in—

Ms Cheyne: No.

MR CAIN: responding to those recommendations, Mr Glenn?

Mr Glenn: No, not to my recollection, Mr Cain.

THE CHAIR: I have a basic question on expenditure and funding. I note that the total cost for output 1.5, protection of rights, was 15 per cent higher in the 2022-23 estimated outcome than the 2022-23 budget. This figure looks set to rise to \$22,796,000 for this financial year. The notes state that the increased figure is mainly due to the transfer of Family Violence Safety Action Program funding from CSD, and anticipated wage increases. Minister, can you walk me through why the uptake of the Family Violence Safety Action Program has resulted in such a substantial increase in

costs? I do not fully understand.

Mr Glenn: The \$1.5 million or thereabouts for the Family Violence Safety Action Plan in previous years had been invoiced; that is, the money was held by one directorate and invoiced by the Human Rights Commission. That funding has now been transferred from the Community Services Directorate to JACS, which means that now it appears in our budget top line, whereas once it would not have appeared in controlled payments because it would have been invoiced during the course of the year.

THE CHAIR: Can I ask a silly question? Why do we have that change?

Mr Glenn: It is to avoid the administrative exercise of billing for something that is fundamentally a function that is being operated out of my directorate.

MS CLAY: Minister, you conducted consultation last year on the right to a healthy environment, and you have a bill lined up. You have noted that there was strong community support. Can you give me an update on next steps for that project?

Ms Cheyne: Thank you, Ms Clay. You are right. At the end of last year we committed to introduce the right to a healthy environment in our Human Rights Act. Legislation is being progressed, and I intend to introduce it this year. We are the first jurisdiction in Australia to introduce this significant reform. I have been working closely with Minister Vassarotti on it. It is a complex reform which raises a range of issues. Our directorate officials have been considering potential models and engaging with community stakeholders.

There is no standalone right to a healthy environment in the international human rights treaties to which Australia is a party. But, on 28 July last year, I am sure you are aware that the UN General Assembly passed a resolution recognising that a right to a healthy environment was a human right. That resolution affirms that promoting the right to a healthy environment requires that full implementation of multilateral environment agreements and calls on states—countries, nations—to enhance international cooperation, build capacity, share good practices and scale up efforts to ensure a healthy environment for all. That is the international context that we are drawing from, which is still very new and quite novel, but moving quite quickly as well.

What we are working through, as we have been developing our policy for inclusion in the legislation, and how to craft that legislation, is how to define that right and how we will implement it—including, obviously, the obligations on public authorities, which is critical, and other functions such as legislative scrutiny.

What is also quite interesting and, I would say, quite exciting about this period of reform, is that the right will likely begin at a similar time to the accessible complaints mechanism to the Human Rights Commission, enabling complaints about breaches of the right to a healthy environment to be conciliated by the Human Rights Commission.

Also, perhaps the best benefit of introducing the right is a greater understanding of human rights and environmental considerations across government by embedding this.

We are working on the assumption that we will be developing a human rights community of practice, with representation across government to provide that opportunity to share understandings of the scope of the right and to provide information on how it will be considered in decision-making processes in those early stages of implementation.

MS CLAY: I am seeing lots of different ways that the right to a healthy environment is being used in other countries. There are a lot of different ways that it can be given teeth. It is sometimes litigation, often against the state by individuals. Sometimes it is used as a key way to shape policy and budget decisions. Sometimes it is primarily used as a complaints investigation and trigger. Have you formed a view as to which of those or other options will be used? What impacts do you think there will be at this stage, because that probably plays into how you draft the legislation?

Ms Cheyne: Similar to our complaints mechanism, Ms Clay, where this is at in the cabinet process means that I am limited in what I can say.

MS CLAY: During the consultation, and from the listening report, did you get any strong strands of what people represent regarding the ways that this right should be enlivened?

Ms McKinnon: I have read the privilege statement and understand it. We heard a range of views from the community about the importance of the right to a healthy environment, the real value of that right in people's daily lives and how meaningful it would be to have a statement enshrined in the Human Rights Act.

The majority of the feedback focused very much on that idea of definition—what would be contained and what would be protected. There were very strong themes around the real importance of having a relationship with climate change, biodiversity and other matters. People generally were talking about how it would affect them. They did not turn their minds so much to those really technical issues about implementation and litigation. I think that a range of enforcement mechanisms were considered in those submissions.

MS CLAY: Yes; sure. I know that consideration was given during the consultation to the special and important role of First Nations cultural heritage and First Nations rights in this. What did you learn that you did not previously know from that consultation on that topic?

Ms McKinnon: Thank you. That is a really good question. It is clear from international law and the way that the right to a healthy environment is developing in that international context that there is a really close interrelationship between Indigenous rights and particularly cultural rights—the right to protect culture and to be consulted about developments that affect Aboriginal and Torres Strait Islander peoples. There is a need to consider that very closely when we are looking at the right to a healthy environment. Those things came out very strongly in the consultation.

As you know, we already have protection in our Human Rights Act for cultural rights. We have that really strong protection and the need for consultation about issues that affect Indigenous peoples. I think it will be a matter of linking those and making it

very clear in any legislation how those interrelate and really that they reinforce each other. The consultation certainly brought out the very strong meaning that a healthy environment has to Indigenous people and how important it is to them. We heard that very clearly. It is very useful that we already have that strong protection in our Human Rights Act and that those will interact clearly.

MS CLAY: I drafted a motion on this topic that related to the right to a healthy environment. One of the other issues, going into that consultation, was that the right to a healthy environment was seen as a foundational right, as one of the rights that, without recognising and protecting it, many of the other rights have much less meaning and value and are harder to enforce. Did you come out of that consultation with that view: that it is a foundational right and it has quite deep significance or was that not part of it?

Ms McKinnon: I do not think that came out quite as clearly in the consultation. From an international human rights law perspective it really is a right that has been more recent in development. The foundational economic, cultural and social rights have been recognised in international law and Australia is a party to those. This is a kind of next generation right, really. In the current state of climate crisis and what has been recognised as a triple planetary crisis, it is becoming more and more important that we see the environment as underpinning all of the other rights. It is a more modern concept, but it is very, very important.

MS CLAY: Thank you.

DR PATERSON: Are we having discussions with other states about our progress on this? We are the first jurisdiction to do this in Australia; is that correct?

Ms Cheyne: We are the first jurisdiction to do this, Dr Paterson. I do not believe this has been something that we have heard from other states that we have reached back out to. There is a broad interest from the human rights community across Australia as to what we are doing. Certainly, there was great interest in the Human Rights Commission's International Human Rights Day forum, which was on the right to healthy environment last year. That had a lot of attendance, both in person and online. I think all eyes are on the ACT over the coming months.

DR PATERSON: Thanks. What were the key findings from the voluntary assisted dying consultation? How many people did you receive evidence or input from?

Ms Cheyne: We were really delighted with the response that we heard from the ACT community and the maturity of it. There were contributors internationally and from other states as well who engaged with us on the consultation. The headline figures are that we received 366 short answer submissions from individuals and over 100 formal submissions from organisations and individuals. There were just shy of 3,000 community members of the YourSay panel who completed our survey, which I believe was at the time, and still is, the highest response rate that the YourSay panel has had to a survey. We also held a series of roundtables, workshops and meetings that we have published as snapshots on our website, together with our listening report. We also had eight roundtables and workshops with key stakeholder groups.

It is important to note that the government was clear about what was not up for debate, including capacity, and that we were wanting to draw from what is considered to be the Australian model. Generally, there are consistent features across the models and the states. That is what we were drawing from as our starting point, but we did also have questions that we wanted to hear from the community about. What we heard quite strongly from the community was about the expected time frame to death, which we have seen in other jurisdictions is six to 12 months. Generally, the feedback that we heard was that there is support for removing that time frame or, if the government is minded to have time frames, to make them more generous.

This was because of community concerns about the difficulties in estimating time frames for people nearing the end of their life and also that navigating the process of end of life care becomes increasingly difficult as illnesses continue. We also heard from academics who have tested different models of eligibility for voluntary assisted dying. They found that removing time frames is unlikely to make more people eligible for voluntary assisted dying; it just makes it less challenging for people to access voluntary assisted dying if they wish to do so. That was a consistent theme that we heard that we are taking very seriously.

I was also interested in the feedback that we had from the community about cooling-off periods. This is a feature in the legislation in other states. What we have found is that very few people withdraw during cooling-off periods. In fact, I would say it is negligible, on the evidence. The way that voluntary assisted dying models are established in the first place—with multiple health professionals, needing to get second opinions, multiple requests to be made, having to have an independent witness, and the time that it takes to receive a substance—in effect is building in its own cooling-off period. Someone can choose not to participate at any period of time, whether or not there is a cooling-off period. That was quite a strong theme that came through.

There was, I would say, overwhelming support for allowing voluntary assisted dying through advanced care plans for people who have lost capacity, such as people with advanced dementia. I committed, in my statement to the Legislative Assembly last month, to us considering this issue further, once our voluntary assisted dying scheme has been in operation for several years, based on the strength of that feedback. That will allow us time to assess how the scheme is working for our community and to learn from some expansive consultation and research on the matter. It is not on the table for the scheme that we are developing now.

The position that we outlined in our discussion paper is that voluntary assisted dying will only be available to those people who retain decision-making capacity throughout the entire process. Requiring that I consider to be one of the really important safeguards of a model. Until we have got some further analysis, review and research for how voluntary assisted dying is working for people with capacity, our position is that it is not appropriate for us to provide voluntary assisted dying for people who have lost capacity.

Even though this was not up for discussion, in our discussion paper we heard overwhelming feedback that people want us to look into it further. We are not alone. Victoria is coming up to its five-year implementation review period required under

the legislation; so is WA. I know that there is very strong support from community groups for it to be considered in those reviews as well. That is a matter for those governments. That is why we will look at it later, but not at this time.

DR PATERSON: What are the next steps in the process?

Ms Cheyne: We are using everything that we heard from the community to do some further policy development, particularly with our clinical reference group, understanding the views of our health professionals. We are working very closely with ACT Health in developing those policy positions. They will inform how our legislation is drafted. We are still on track to introduce legislation in the second half of this year.

DR PATERSON: What would you take from the feedback overall that the government received from the community in terms of this being something that is important to the ACT community?

Ms Cheyne: We have heard consistently over many, many years how important this is to the community. Overwhelmingly, we see support for it. I think there has been really good, thoughtful engagement throughout this entire process. People have engaged very meaningfully in the discussion paper and the consultation process. I think the information that we heard from the community and the data that we gathered, the feedback that we had, was very rich.

Probably the overwhelming point, consistently, was to get on with it. People have been waiting for more than 25 years, due to the ban that was imposed on us by the federal parliament. People are looking forward to this scheme being available in the ACT. I note that, even once this legislation is passed, there will be an implementation period. What we have seen in other jurisdictions is that that has been about 18 months. While I am hopeful that legislation will pass next year, there will still be a delay to the scheme commencing.

MS CLAY: Minister, you said that you received evidence that removing the requirement that somebody be six to 12 months away from death would not actually expand the number of people who would access the scheme. Do you mean by that that people would simply access the scheme earlier in their journey or that they would simply face fewer barriers, but probably the same people would access it as would access it with the six to 12 month requirement?

Ms Cheyne: It is a good question. What we have heard consistently, including in our listening report, is that this does need to be a scheme for people who are assessed as having advanced, progressive and terminal illnesses. When that occurs and when that is the prognosis from a doctor, a health professional or a specialist, the time frame to death can become quite difficult. We probably all have had some experience of being able to say with absolute surety that there are six months or 12 months left.

The second issue with that is that anyone who has cared for someone who is dying, with a six-month time frame to death, knows that due to some caring responsibilities, due to engagements with the health system, there is support that they might need, and how difficult that can be. That is problematic as well. If those criteria that we are

proposing—being advanced, progressive and terminal, which is exactly what the community has underlined to us—are appropriate, what does it matter within that time frame? I think that is where the academics have landed—that it is not available to more people; it is just available to them sooner.

What I understand anecdotally and what we have seen in the feedback is that many people participating in the scheme do not then take the substance. Simply having it available has its own palliative effect for a person. They know they have an option, but they may not necessarily need to take that other step. A person being able to participate while they have capacity is important. I think that is probably the other bit that I missed earlier, regarding that six months to death time frame. Someone can lose capacity within that timeframe.

MS CLAY: Capacity. This was part of the concern. I understand the staged approach, looking at people who do not have capacity at another time, when we are more experienced in this. That makes sense, but with six months to death some conditions may have capacity concerns.

Ms Cheyne: Yes. Exactly. I will speak of my own father. I think it is well documented that he was given around a year. He died within 11 weeks and for the last two weeks was effectively comatose. I am not making any suggestion that my father would have participated in voluntary assisted dying, if it had been available, and of course this was in another jurisdiction, but I think other people have examples of that as well.

THE CHAIR: You have spoken about an 18-month implementation period after everything is passed. I am just wondering if there is advice being sought from other jurisdictions about problems that have been faced in that implementation period. Obviously, the bill is going to provide a very clear framework as to how people proceed, but I am just wondering if there have been problems in other jurisdictions in that 18-month implementation period. People may believe that they can operate outside of the law because of the perception that the law has changed.

Ms Cheyne: Do you mean people seeing that the law has passed and seeing that as essentially meaning that the scheme has started, and—

THE CHAIR: Yes. Additionally, as you and I and everyone in this room knows, there will be people who would participate in this framework if they could. The fact that the law has passed but not yet been implemented means that there will be a certain cohort that are not assisted by that at all. It will seem extremely unfair for a number of those people. I wonder how other jurisdictions have dealt with that.

Ms Cheyne: I absolutely take your point, Mr Parton. I also acknowledge that a person who was sitting with me in the Senate when territory rights were restored in December last year has since passed. That weighs on me every day. The longer it all takes, the more it is not an option available to people who I know are desiring it. I would learn from South Australia, which took a bit longer. There was a lot of community pressure there about the time that it was taking.

THE CHAIR: Yes. I can imagine.

Ms Cheyne: I think it requires us, as a government and as a parliament, to be up-front with the community about these implementation time frames. Consistently, across jurisdictions, it has been 18 months. We have looked at it quite closely. ACT Health have looked at it quite closely. I cannot see too many ways that that 18-month time frame can be shortened. I think what it requires of us as a collective, then, is to be clear in our communications, as I have been today, as I was in my ministerial statement and as I will continue to be as this legislation is developed.

DR PATERSON: Through your consultation, did the issue of age and access to voluntary assisted dying arise?

Ms Cheyne: We did ask the community about whether 18 was seen as an appropriate age for access to voluntary assisted dying. I want to underline, as I have mentioned several times, that this is asked in the context that voluntary assisted dying is for people who are already dying, and for people who have decision-making capacity. In some of the recent media that we have seen, that has all been a bit lost in some of the commentary.

The capacity would need to be clearly defined and would be assessed by health professionals. It would not be available to young children or infants. I was surprised, actually, at the extent to which there was not support for 18. There was interest in exploring what the different age could be, but we did not have an overwhelming consensus on a model of what could be explored.

We did hear that mature young people suffering intolerably near the end of their lives should have the same end of life choices as adults. Many people who had views on the issue felt that imposing an age ignores the reality that teenagers who are suffering intolerably from a terminal illness may have decision-making capacity. We did hear that particularly strongly from people who cared for young people who suffered intolerably near the end of their lives, including parents and health professionals. What I would note, though, is that this is what we heard from the community. On the strength of what we heard, it something that we are further exploring, but, as a government, we have not arrived at a position yet because we need further advice from our health professional community in particular.

DR PATERSON: Yes. What about aligning it with the age of criminal responsibility, determining that people 14 years and younger do not have the decision-making capacity to determine what was a crime and what was not? In terms of having consistent legislation on when young people are able to make rational decisions about their actions and their future, is 14 an age that has been considered?

Ms Cheyne: We are working through all of the feedback that we heard, Dr Paterson. What we have heard more consistently across the range of feedback is the notion around Gillick competence, about a teenager being assessed by a health professional as having decision-making capacity. That acknowledges that people can arrive at decision-making capacity at different ages. Others questioned whether there should be something like an age floor—potentially an age limit like 16 or something like that, or perhaps a combination of both. Whatever suggestions we heard, we also heard that there should be additional safeguards if this is to be in our legislation.

This is complex. These are issues that we are not the first to contemplate. Queensland's Law Reform Commission looked at it in some depth. While they arrived at the age of 18, they said that this should be explored later. These are things that we are working through—whether this is something that we should be pursuing, as a government, for our community. I underline that there has not been a policy position taken by government yet because we are still doing that work with our health team.

DR PATERSON: Thank you.

MR CAIN: Minister, I make reference to budget statements D, page 31, table 24. There is an entry towards the bottom: "More support for Victims of Crime," and \$250,000 has been moved forward unspent from 2022-23. My first question is: how will this \$250,000 be used to achieve the stated goal of providing more support for victims of crime?

Ms Cheyne: Sorry, Mr Cain. Could you repeat that page number. Was it 31?

MR CAIN: Page 31 of budget statements D, table 24.

Ms Cheyne: Thank you, Mr Cain.

MR CAIN: Towards the bottom.

Ms Cheyne: That is a revised funding profile. That is a technical adjustment, as opposed to a budget policy decision. I do not have the data, but I think Dragana does.

Ms Cvetkovski: The \$250,000 is a rollover of funding from 2022-23 to 2023-24. It relates to a procurement process to engage a contractor to undertake ICT costing of the PAVER recommendations.

MR CAIN: For what; sorry? I missed that last bit.

Ms Cvetkovski: For the PAVER recommendations, ICT costings.

MR CAIN: Okay. So that full amount is for that purpose?

Ms Cvetkovski: Correct.

MR CAIN: Is there a reason that it was not spent last year?

Ms Cvetkovski: That I would need to take on notice.

MR CAIN: Okay.

Ms Cvetkovski: Thank you.

MR CAIN: Thank you.

DR PATERSON: In relation to territory rights, I am wondering, Minister, if you have any views on the Canavan bill and what this means for our community and territory rights?

Ms Cheyne: Thank you, Dr Paterson. I do have views. Having campaigned, together with the community and many parliamentary colleagues across several different parties, for so long for territory rights, having sat through the debates in the House of Representatives and particularly in the Senate, which was its own level of extraordinary, to finally have our territory rights restored after more than 25 years and then to have the door essentially reopened again through what I believe is a stunt by Senator Canavan, I find particularly egregious.

This level of interference in our ability to decide our laws and make our own decisions for ourselves does not occur anywhere else. I am disappointed that there is a federal inquiry. I understand some public statements from other parties. I think that the principle of inquiring into the bill is not just a simple matter of a parliamentary process, particularly when the bill's very purpose is about undermining the ACT's right to legislate on its own terms, on behalf of its own people. An inquiry legitimises the idea that our rights can be interfered with again. It being so soon after our rights were restored with respect to voluntary assisted dying means we have to be vigilant. I am deeply disappointed in that.

DR PATERSON: In the debate about restoring territory rights a lot of the discussion was around voluntary assisted dying. Does it tell you that the concern should be wider spread than that—that at any point, on any issue, territory rights could be up for grabs?

Ms Cheyne: I wish I could say that, after our rights were restored in December last year, we are done with that, but sadly it seems like we are not. We will always stand up for our rights as a Legislative Assembly. It was great to see tripartisan support for that in this term of parliament, as we campaigned for territory rights to be restored. We have to be vigilant, and I would call on all parties to do so.

THE CHAIR: I think we are done. On behalf of the committee, I thank Minister Cheyne and officials for your attendance today. For questions taken on notice, please provide answers to the committee secretary within five working days of receipt of the uncorrected proof transcript. We will be back with session No 7 shortly.

Short suspension.

Appearances:

Davidson, Ms Emma, Assistant Minister for Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health and Minister for Veterans and Seniors

Community Service Directorate

Wood, Ms Jo, Acting Director-General

Perkins, Ms Anita, Executive Group Manager, Communities Division

Stathis, Mr Nick, Executive Branch Manager; Office for Disability, Seniors and Veterans and Social Recovery

Bassett, Dr Louise, Executive Branch Manager; Commissioning, Policy and Service Design

Evans, Ms Jacinta, Executive Group Manager, Strategic Policy Division

Sabellico, Ms Anne Maree, Executive Group Manager; Children, Youth and Families Division

Brendas, Ms Tina, Executive Group Manager, Youth Justice Branch

THE CHAIR: Welcome to this session of estimates hearings. We will hear from Ms Emma Davidson MLA, Minister for Veterans and Seniors, Minister for Disability, and Assistant Minister for Families and Community Services, and officials. The proceedings are being broadcast live. The proceedings today are also being transcribed and will be published on the Assembly website. When taking a question on notice, it would be useful if witnesses can emphatically say, "I will take this on notice," so everyone is 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 on the voices in the room right now. Could you confirm for the record that you understand the privilege implications of the statement? Excellent. We are not inviting opening statements. We will now proceed to questions.

I might start with a question regarding the ACT Seniors Card review. Minister, can you provide an update on the Seniors Card review? What has happened up to this point and what happens next?

Ms Davidson: Yes. The Seniors Card, as I have talked about in question time, I think in the last sitting week, is going through a process of review. It is a normal and useful thing to do at this point in the contract that we look at what have we learned over the past few years about how we can deliver that more effectively and better. One of the things that we found out of that review is that there are a lot of things that seniors could actually get concessions for that they were not always aware of. Making sure that people who hold a Seniors Card, or are eligible for one, know about all the ways it can be useful to them is part of that. We will be looking at what the next steps are to procuring someone to manage the Seniors Card, going forward. I will pass to Jo Wood, who will be able to talk in more detail about the time line and what the next steps are.

Ms Wood: Thanks, Minister. Actually, Ms Perkins will take that one.

Ms Perkins: As the minister indicated, we undertook a review of the program late last year, in October and through to March 2023. The territory engaged McGrathNicol via the whole-of-government panel. The review considered a range of matters relevant to shaping the future of the program, including membership experience, digitisation and other operational matters. There is a listening report on progress to date that is available on the commissioning website, as well as on the YourSay platform.

The key matters that came out of the review and the things that were of interest to participants, both seniors that are accessing the program as well as businesses, were government concessions, including transport and motor vehicle registration concessions. They are the most highly valued benefits of the program. The majority of cardholders are open to digitisation of the program, although ensuring flexibility through a range of means to access the card is essential. Some cardholders experience confusion in seeking support and/or information relating to the program due to the number of agencies involved and its administration. As the minister mentioned, there is more that we can do to raise awareness about the full range of benefits available.

We published that report in late May. We conducted further stakeholder engagement in early June. We brought together stakeholders across the community, government and business sectors to consider the findings of the review and chart a path forward for the ongoing commissioning to meet existing community needs. I should say that there was also a listening report published from that stakeholder and business engagement program. It is on the YourSay platform, as well as the commissioning web page. We are now working through an approach to market in the second half of 2023.

THE CHAIR: Please excuse my ignorance, because it is not a portfolio space where I spend a great deal of time, but is it safe to say that the ACT Seniors Card review has been wrapped up in this all-encompassing commissioning process that is being undertaken by CSD? Is that correct?

Ms Davidson: Actually, the Seniors Card review is a separate piece of work to the commissioning process. One of the reasons why a review like this is so useful is that so much has changed over the past few years, in particular with the impacts of COVID, around how people get access to information and services. It was very worthwhile conducting a review so that we could better understand how seniors want to be able to get access to these things—for example, as Ms Perkins was saying, in terms of openness to digitising the process; what the role is for the government in making sure that people are aware of the entitlements that they can get with their Seniors Card; how we can get that communication out to people; and, also, how we can work with our community sector partners to make sure that the information is getting through to people. Those are the kinds of things that we are not necessarily going to find out through a commissioning process, but something like the Seniors Card review tells us quite specifically how we can make that program better, which is exactly what we want to do.

THE CHAIR: I will return a bit later in the session with some questions on that broader commissioning process. I might push on to Ms Clay.

MS CLAY: Minister, on page 22, we have a line item of \$254,000 for supporting the

inclusion of older Canberrans. Can you tell me what that \$254,000 is going to be spent on?

Ms Davidson: Yes; absolutely. I think that what you are talking about is for supporting social wellbeing and inclusion of older people in our community. Is that right?

MS CLAY: Yes.

Ms Davidson: This is a really exciting piece of work that has actually come from some great input from our Ministerial Advisory Council on Ageing, who wanted to run a pilot of a seniors arts festival which was inspired by what we saw in Scotland with the Luminate program. We have a whole lot of older people in our community who have amazing creativity and artistic skills and can really help to tell the stories that help us all make meaning out of what has been going on in the world, particularly over the past few years. They have a particular perspective and experience of what happened with social isolation during COVID and what we have learned over generations, and they want to be able to share those stories and create art, whether that is visual art, music, theatre—all of those kinds of things. Having a seniors arts festival that is developed by and for older people in our community is something that will really help in terms of connection. It will give us a little bit of intergenerational understanding as well, so that people who may not be older people can go and participate in this and see what older people are creating and doing and hear the stories that they want to tell.

There is also funding in this year's budget for more dementia-friendly events like the film screening of *The Sapphires* that we had last year, working with UNSW and the National Film and Sound Archive. I will pass to Jo Wood who can talk in more detail about what the arts festival and the dementia-friendly program are going to look like.

MS CLAY: That sounds great, particularly what the money is for. Is it for staff or is it for venue hire? What are the components in that?

Ms Wood: Mr Stathis has that detail.

Mr Stathis: We will be planning to develop the festival with the Ministerial Advisory Council on Ageing. In particular, one of their focus areas has been around arts and creativity. This was one of the budget submissions that they put forward in terms of having an arts festival. We are in the process of putting the planning together for that arts festival. We will work with them to do that and the money will probably go towards bringing on someone to be an event coordinator for that festival, and, along the way, we will look at engaging organisations to take part in the festival as well. We are at the early stages of planning, with the budget coming in earlier.

MS CLAY: Great. Will arts organisations be participating or is it other types of organisations?

Mr Stathis: It will be a combination. Obviously, we will need arts organisations to be part of an arts festival, but there will be other organisations as well to help us deliver that festival.

MS CLAY: It makes sense for what that amount of money is for, if it is for a coordinator, and then I assume the arts organisations' artists would be paid for their work.

Mr Stathis: Potentially. We have not got into the planning process yet.

MS CLAY: That is okay. You might just want to T-in with the arts minister and the remuneration principles. Does this festival fit in with the Age-Friendly City Plan?

Ms Davidson: Yes; absolutely. There is the Age-Friendly City Plan, and we talk a lot about age-friendly suburbs and upgrading footpaths and things like that in what we are doing to create a more accessible and inclusive city; but there is a lot more to being an accessible and inclusive age-friendly city that really celebrates growing older than just having the physical infrastructure in the suburbs. Part of that is about how we relate to each other, how we understand each other's life experience and celebrate what it means to be growing older. This is a big part of that kind of understanding: how we build those intergenerational connections, how we celebrate what older people bring to our Canberra community and what that means for who we are.

MS CLAY: It is great to see some prioritisation, not on the built environment but on programs and community in addition to it. It is interesting.

Ms Davidson: Yes. It is absolutely about how we get more people having their work celebrated and seen by as many of our community as possible. We want people to see the talent that is out there. We saw a little taster of it with the Centenarian Portrait Project recently, where teenagers created portraits of centenarians in our community. There was an exhibition to really showcase that work. This is the kind of thing that we can do as a community to bring people together and find ways to celebrate the strength.

MS CLAY: Thank you.

DR PATERSON: Minister, my question is in respect to youth justice. I note there has been lots of work done on the Next Steps for Our Kids strategy, modernising our child protection system, and, often but not always, child protection and youth justice go hand in hand to a certain extent. At the very least, they are systems of last resort for children and young people who are facing significant risks and disadvantage in our community. In the lead-up to the 2020 election, Labor committed to a youth justice strategy in the ACT. Has any progress been made in delivering that?

Ms Davidson: Yes; absolutely. Before I pass to Jo Wood, who will be able to talk in more detail about the funding in the budget for developing that youth justice strategy and our plans for throughcare as well, I will say that this also connects with the work that we are doing on alternative service responses around raising the minimum age of criminal responsibility. There is quite a lot of policy work going on within the youth justice and child and family support space right now, in addition to Next Steps for Our Kids. When you put all the pieces together, we are looking at quite a lot of change in a relatively short space of time.

It is quite a lot to deal with, but we specifically have some funding for developing that

youth justice strategy in the budget. We are looking at doing some co-design and development of that new strategy over the next budget year with the establishment of a forum that includes community-level experts, as well as government expertise and representatives from the Aboriginal and Torres Strait Islander communities, for all to work together on how we can co-design what that looks like.

DR PATERSON: Is there a page number in the budget? I missed it.

Ms Wood: On page 22 is the first line item of a commitment of \$200,000 to developing a youth justice strategy and enhancing support services.

DR PATERSON: Great.

Ms Wood: As the minister said, we have a range of intersecting work in the youth justice space and all of that will inform the future youth justice strategy. In addition to the work on raising the minimum age of criminal responsibility and the supports for those young people, there has been some work—I can ask Ms Evans to speak to this in a moment—to inform the future youth justice strategy, looking at the whole experience of young people in the youth justice system, what it would look like and what does best practice from elsewhere look like if we are to bring a therapeutic lens to young people’s experiences, recognising that we are talking about some of the most vulnerable young people in our community.

That work is being undertaken alongside the work on Next Steps, which is focused particularly on families. Some young people involved in our youth justice system will also be in some of the families that we are seeking to reach through the earlier intervention supports through Next Steps. I will ask Ms Evans to speak specifically about the work that has been done that will inform a new youth justice strategy.

Ms Evans: I am actually going to pass over to Dr Bassett. She is the branch manager responsible for the actual youth justice strategy.

Dr Bassett: As I understand the question, it is about the future of the youth justice strategy. You will know that there was a significant piece of work done in 2022 to wrap up the work of the previous strategy and to do the final report and the wrap-up of that. We have built on that and we have also done some work, as you know, with response to the enforceable undertaking and the better practice review that we undertook last year. That all contributes to the new work that we will be doing on the strategy.

As Ms Wood said, we have the \$200,000 allocation in the budget this year for the new strategy work. It will need to accommodate the changes that are being made at the same time on the minimum age of criminal responsibility. We will need to adjust the policy settings to take into account that big shift. It changes the profile of the young people that we might be dealing with, and it also has implications, as Ms Wood said, for the end-to-end service of the supports that those young people might have in place.

The idea is that we would use evidence that we have gathered through those processes and also some workshops—which the minister attended herself last year—about the future directions for the youth justice strategy. What is really clear from that

workshop and the discussions we had with our community sector partners, the community at large and across government is that the throughcare program is really well supported. It has really good evidence behind it to support its efficacy. We are looking at a co-design process using the money that has been allocated this year, and the idea would be that we, as the minister said, convene that group of experts and the community, as well as experts across government and elsewhere, in order to work through what the next strategy would look like. The co-design piece is the first piece of work, building strongly on everything we have already done.

DR PATERSON: We should have a strategy developed in a year?

Ms Davidson: We are looking at how we can co-design that over the course of this budget year. Keep in mind that there is going to be quite a lot of shift in the services that are available and how they work, what the referral pathways are to the services for young people from a much earlier age as part of Next Step's work, and from implementing the recommendations of *Our booris, our way*, as well as the minimum age of criminal responsibility service response.

All of those things coming together at once is quite a lot of change for the sector in a very short space of time, so making sure that we have a youth justice strategy that can keep all of those pieces in mind as it comes together is a big and complex piece of work. That is why co-designing it with the community and with Aboriginal and Torres Strait Islander people is so important. That is the kind of work that does take some time to do, but, if you do that the right way—having conversations with people and talking through what the risks or the difficulties with implementing these things might be—you get a much better solution at the end of it.

DR PATERSON: Are there updates that you will provide to the Assembly over the next year on how that process is going?

Ms Davidson: Absolutely. I would be very keen to keep the Assembly informed about what is happening. This is the kind of work that makes our whole community safer, but, also, this is the kind of work that really leads to the transformational and intergenerational change that you have heard me talk about before, where you have children and families who have been experiencing multiple kinds of intersecting complexity for generations, and we just have not had the right things in place at the right time to change that. This is our opportunity to change some of that. We are really keen to make the most of that opportunity and really change some trajectories for people.

THE CHAIR: Thank you, Dr Paterson. Ms Clay, you have a supplementary.

MS CLAY: Thank you. That is a fairly small amount of funding to do some pretty heavy lifting in the context of raising the minimum age of criminal responsibility. Do you have the resources you need to do that strategic work?

Ms Davidson: For the things that we need for raising the minimum age of criminal responsibility, we have additional funding in the budget. It is a bit over \$10 million over the forward estimates around the new service responses for raising the minimum age of criminal responsibility. There is also funding in the budget for things like

making the Functional Family Therapy youth justice program a permanent part of the service landscape in the ACT, and for some of the work that is happening in other areas of child and family service, around the Next Steps recommendations. The funding that is there for the youth justice strategy is not trying to do all those things at once. It is just doing that one element of it. There is quite significant funding in this year's budget for that work around raising the minimum age.

MRS KIKKERT: Minister, you just mentioned the funding for the new service responses in raising the age of criminality. In your planning, how many children aged 10 and 11 do you expect these new service responses to provide for, this financial year and then in 2024-25?

Ms Davidson: Jacinta Evans will be able to give you some more detail on the numbers that we are expecting to be dealing with.

Ms Evans: Thank you for your question, Mrs Kikkert. We are basically working on the averages across the past several years. You will recall that we had a very comprehensive report from Dr Morag McArthur at the start of the process of thinking about raising the minimum age. She proposed that around eight to 12 children across a year would be under 12. We are certainly not expecting more than that. At the moment, we do not have any children under 12 in the Youth Justice Centre.

We are thinking that you can never predict how the numbers will fall, but it will not be more than probably a dozen in the first two years. There is a great benefit to us in that because what we are proposing is that, if we are working with small numbers, we can look very comprehensively at the wraparound services they need, how we work with their families and how their schools can support them. Of course, we will only use the funding we need to do those things, so, if there is a smaller number of children, we would use less of that funding in the first two years. The benefit is that it gives us the opportunity to really lean in around the small number of children and start to work out what the right pathways are, and then, when we raise the age, we will be better placed to support those young people.

MRS KIKKERT: Considering that the minimum age of criminal responsibility is to rise to 14 from 1 July 2025, according to the draft bill, why does funding for the new services responses decline from \$2.83 million to \$2.79 million just as 12- and 13-year-old young people will need to be included?

Ms Davidson: Some of that funding will also be around designing service reforms. You would want to do the design work before you actually start providing the service. Once you have started providing the service to the under 12-year-olds, you are no longer doing the design work.

MRS KIKKERT: Ms Evans, you mentioned that there are no kids in youth justice that are under 12. What about under 13?

Ms Evans: Sorry—I do not have those numbers in front of me, Mrs Kikkert.

MRS KIKKERT: Could you please take that on notice?

Ms Evans: Yes; I can take it on notice.

Ms Davidson: Can I just note that it does change from day to day, so, while there may or may not be someone in the system today, that does not mean that there may or may not be someone in the system tomorrow. This is one of the difficulties in how we design a good alternative service response. We are talking about very small numbers of people, but the point in time at which they are going to need some support is not something that you can easily predict. One of the great benefits of doing this work is that it gives us an opportunity to work across multiple directorates, agencies and community sector organisations around how to better pick up, at an earlier stage in a child's life, that there might be a future need for something and engage them with the right things before it ever gets to that point in the first place. That is the kind of thing that can really make a difference.

THE CHAIR: Thank you, Minister. Thank you, Mrs Kikkert. What we are going to do now is suspend proceedings for a little break. We will reconvene again with Minister Davidson and officials at 2.45.

Ms Evans: Excuse me, Mr Parton. We have a response to Mrs Kikkert's last question. May we give it before you suspend?

THE CHAIR: Yes.

Ms Sabellico: I can confirm that there are currently no children aged 13 in Bimberi at the moment.

MRS KIKKERT: Thank you.

Hearing suspended from 2.29 to 2.46 pm.

THE CHAIR: Welcome back to these estimates hearings. In this session we will continue talking with Minister Davidson and relevant officials. We will proceed now to questions. Mrs Kikkert?

MRS KIKKERT: Minister, this budget says nothing specific about freight costs for community food pantries, but stakeholders report that they have heard a figure of \$360,000 in total for food relief included in the line item for specialist homelessness services. Can you please confirm how much this budget provides to pay for freight costs to keep community food pantries supplied with goods from Foodbank?

Ms Davidson: Yes, there is money in the 2023-24 budget for additional investment in food services. That was announced on 20 June. There is an additional \$389,000 allocated to increase capacity for food services across a range of different platforms to help meet demand, which continues to increase. We are seeing increased cost of living pressures nationally; of course, that is happening in Canberra as well.

The way in which food relief services are delivered in the ACT means that we have lots of small community food pantries that have been really struggling and worried about it. Of that \$389,000, there is \$230,000 available to support the Food Assistance Program over the next financial year. We are working quite closely with Foodbank,

St Vincent de Paul, commonwealth government and all of the different community food pantries to find some good solutions going forward as to how we get supplies to those food pantries, to make sure that we always have the right things there when people need them.

There is a freight subsidy for small to medium ACT community food pantries to get access to supplies—they do that through Foodbank in New South Wales—and to support food rescue activities in the ACT. Funding was allocated in the 2021-22 budget over four years to support work going towards some long-term solutions for food sustainability across Canberra.

We have been working with Volunteering ACT to implement a food security program, which is a community-led model that gives us some planning and data collection, and a streamlined response to food security beyond what happened during the COVID-19 work that was done. That includes a fit-for-purpose food relief database, so that we can make some evidence-informed decision-making within that group for emergency food relief. A communications working group has been established to promote food relief services to the Canberra community.

I will hand over to Anita Perkins, who can talk more about the support that is being provided to food pantries and Foodbank.

Ms Perkins: Specifically, with respect to the \$230,000 that has been available to the Food Assistance Program, we have entered into a contract with Foodbank NSW & ACT for the freight relief subsidy program—that is already in place and it did not skip a beat—from 1 July. We have a contract in place with them for \$180,000 in total. That is a combination of budget funding, as well as annual funding that we make available to the food relief program through the Emergency Material and Financial Aid Program. Of that \$230,000 there is also \$110,000 for food rescue activities, and we are working through that allocation at the moment.

MRS KIKKERT: Foodbank says that it needs at least \$200,000 to cover the freight costs, but you referred to \$180,000?

Ms Perkins: That is correct.

MRS KIKKERT: Towards the freight cost?

Ms Perkins: We worked very closely with Foodbank to work through the \$180,000 contract and we have entered into an agreement with them for that amount of money.

MRS KIKKERT: For one financial year?

Ms Perkins: Correct.

MRS KIKKERT: Is any consideration being given to ongoing funding for them in the next estimates years?

Ms Perkins: That will be a matter that we will work through, particularly with the work that Volunteering ACT is undertaking with the food security program that the

minister mentioned. We are working closely with Volunteering ACT and the sector partners to better understand the demands, and we will revisit the program for the year ahead as we get through this year.

Ms Davidson: There are multiple ways of making sure that we can get the supplies to those community food pantries at the time that they need them, and the right kinds of supplies to meet demand. Having some really good, evidence-based decision-making processes that are community led, which is what that food security program is doing with Volunteering ACT, will help us to make the right decisions.

It is also useful to look at what we learned from what happened in COVID-19, in terms of demand—how things like levels of commonwealth income support payments impact on demand for food relief services and how that interacts with housing affordability pressures in the ACT.

When you have families who are dealing with rising rent costs and mortgage costs, and income support payments that are below the Henderson poverty line, it makes it really hard for people to also put food on the table every night for their family. We have seen the impacts of that on our community food pantries. If we can find ways to get commonwealth to work with us on some of those pressures, that will also help.

MRS KIKKERT: Minister, you briefly mentioned improving data collecting and planning, which was funding from the year before, 2021-22. Can you give us an update on the progress of that initiative?

Ms Davidson: Yes. I will ask Anita Perkins to talk about that. It is useful to know that that was allocated over four years. It is about long-term solutions for food sustainability across Canberra. There was a lot that we learned about the most effective ways to get supplies into Canberra and distributed to our small local community food pantries during COVID that we had not done prior to that. There will be things that the food pantry network learned from that process that we might want to think about as well, going forward.

Ms Perkins: Volunteering ACT has established a food relief network to bring together stakeholders across the sector—industry, government and community pantries—and the network is meeting monthly. As part of that program, they have developed a database and they are working with the pantries to onboard them to enable that evidence-informed decision-making, to understand the demand that is happening across the pantries and provide us with that robust data collection.

The establishment of that data collection process is in its very early stages and we expect to start to see the data in the coming months, to understand what those trends are looking like. Volunteering ACT is working with the sector to make sure that they have as many partners as possible on board to make sure that we have that very robust data collection in place.

As the minister mentioned, they have also been working through a communications strategy to break down the stigmas relating to food relief and to help the community understand what support is available. I understand that that will be publicly available shortly.

It is about having a collaborative approach at this point, to bring together the right people and to make sure that we have the right people coming together to provide that data collection. We look forward to being able to see the evidence of what that looks like over the longer term to inform decision-making for government.

MS CLAY: Did the timing of that food relief support help? I know that Foodbank, close to the end of the financial year, was considering having to stop services. Were Foodbank and other providers able to offer unbroken services, having regard to the timing of the funding?

Ms Davidson: Absolutely. At every stage of that process we were doing everything we could to ensure that food pantries, St Vincent de Paul and Foodbank knew that we would make sure that we could continue to get the supplies to where they were needed, and make sure that we did not leave people unable to access the resources that they needed to do the work. At the end of the day, we are talking about families being able to put food on the table when there is no other option. We couldn't not do it.

MS CLAY: That is very reassuring to hear. You also mentioned the federal impact of allowances that do not allow people to live above the Henderson poverty line. We have heard a bit of a theme through these estimates; I will not ask you about public housing but that was the clearest example that I could pull up. We have people looking at trying to provide emergency services—in that case it was often legal services to public housing tenants—whereas the actual need was for more public housing. It sounds like food relief is a massively valuable service, but the actual need is for people to have enough money to not live in poverty and therefore not need those services in the first place. What do you think is the appetite of the federal government to raise those payments like they did during COVID? Have you seen any movement there?

Ms Davidson: This is really interesting. We saw a demonstration, when we did raise the payment, that when income support payments are increased, as they were during COVID, we saw reduced pressure on food relief services; then, when it went back to those below-poverty line levels of payment, we saw a massive increase in pressure on food relief services.

Sometimes what is happening in the middle is that people also have to pay the rent or make mortgage payments, and they do not want to lose the roof over their kids' heads. Those families are stuck in a situation where they are experiencing housing stress in the private market. Sometimes those families are not going to be eligible for public housing in the first place because they have work; it is just not enough to pay the costs of living. If you are working part time or casually and you do not have job security, it is hard to get a lease. If you are working in minimum wage work, it can be really hard to make ends meet.

I saw some of this before I even got into the Assembly, from the work that I had done in social research and advocacy for food relief services. I actually went out to these food pantries and listened to people talking about how they might be working in, say, subcontracting in the construction industry or something like that. When companies are phoenixing and the subcontractors are the ones who are left out of pocket, that is

where people can find themselves needing food relief services when they have never thought about needing them before.

All of those things have only got worse over the past few years. Until we actually deal with that, we will continue to see pressure on charity services to literally put food on the table, keep the electricity turned on and things like that. This could actually be dealt with at a more systemic level by solving things like housing affordability and the rate of income support payments.

THE CHAIR: Minister, Advocacy for Inclusion put in a pretty extensive joint budget submission on behalf of themselves and a number of other organisations. One of the key priorities that they identified was the adequate funding of the ACT Disability Strategy; although it is mentioned, it is not funded in the budget. Why was no money budgeted for the implementation of this initiative, or at least an oversight group, as suggested by these organisations, particularly as the strategy is expected to be completed in the next little while?

Ms Davidson: If we are going to Treasury and asking them to fund something, we need to be able to say, with enough specificity, what it is that we are going to be funding, and how we know that that is the right amount of resourcing to ask for to deliver and implement that piece of work adequately.

We are still working out what the ACT Disability Strategy is. We are working that out with the Disability Reference Group and advocates like Advocacy for Inclusion; they are a key, important voice in making sure that we get the right things into the ACT Disability Strategy. We did not have enough information at that point in the budget cycle to be able to say to Treasury, “This is exactly how much we need for exactly this piece of work.” We are continuing to do that, and I expect that we will have funding for some of those key activities in the ACT Disability Strategy by the time we are ready to announce what the strategy is. At the moment we are still working through that with the community.

The best way to get the right outcomes is to co-design all of that with the community. We are trying to do that the right way at the ACT level by bringing together all of the different strategies like the disability health strategy, the inclusive education strategy and the ACT Disability Strategy, and making sure that we are not repeating things or having things slip through that we do want to work on. We are making sure that we are covering all of those key things that the community are telling us we need to work on.

By comparison, we have seen what happens at the federal level. We see ministers talking about how we deal with cost sustainability in the NDIS, for example, before the NDIS review has even come back and talked with us about what the demand drivers are and what they mean. Knowing what it is that you want to change is a key part of working out how much funding is required to change that.

THE CHAIR: Minister, you are telling me that, although you have very publicly advocated that you, as minister, and your government are establishing the ACT Disability Strategy, as minister, you failed to articulate that properly to cabinet prior to this budget round; so it has not been funded. Is there a time line that you have

suggested publicly on this? When will we actually see action here?

Ms Davidson: Yes, there is a time line for the ACT Disability Strategy. As I have said many times already, we are working through what goes into that ACT Disability Strategy with people with disability. They need to be—

THE CHAIR: Can you talk me through that time line?

Ms Davidson: They need to be front and centre of how those decisions are made. Advocacy for Inclusion, amongst a range of other community stakeholders, and our Disability Reference Group are working through what is going into that ACT Disability Strategy. By the time we are ready to announce what is in the strategy, we will also be able to talk about how much funding is being allocated to deliver and implement that strategy. I will hand over to Jo Wood, who can talk in more detail about where that process is up to and what the time line is for progressing it.

Ms Wood: The minister spoke about the extensive co-design work that has been underway with the Disability Reference Group. There has been extensive consultation that brought in a broad range of perspectives from the community and a listening report from those extensive consultations has been released. That sets a set of priorities for the disability strategy. The work we are doing now is about stepping through those priorities to design the specific initiatives that will form part of the strategy; then, as the minister has indicated, that will form the basis of the funding committed to the strategy.

As we are doing this work, we are working across government in ensuring that the connections to the disability health strategy, the inclusion strategy for education and the disability justice strategy are well understood, ensuring that we are not creating any inadvertent duplication, and that we can bring together a clear picture for the community in the ACT about how these strategies will make a specific difference.

We have opportunities in terms of funding—obviously, in the budget process but there is also a midyear review process, which will be an opportunity to consider funding. That will be in the second half of this year.

THE CHAIR: I was seeking a time line and I do not know that I have got one at this stage.

Ms Davidson: We are looking to have the ACT Disability Strategy released at the end of the 2023 calendar year. I would very much like to see that come out before we reach International Day of People with Disability, which is in the first week in December.

THE CHAIR: I look forward to that. That Advocacy for Inclusion joint submission also looked for funding for the disability health strategy, particularly for key areas such as developing training against diagnostic overshadowing, additional money for extended consultations for those with a disability and wraparound diagnostic services, but no money was included for any of those measures in the budget. Why was there no money in the budget for the disability health strategy or the initiatives identified by AFI, Minister?

Ms Davidson: The disability health strategy and the inclusive education strategy are also intended to be released by the end of the 2023 calendar year. The disability health strategy is within the responsibility of the Minister for Health and the inclusive education strategy will be with the minister for education. We are trying to bring things together and we will be able to have a conversation about all of those pieces of work towards the end of 2023.

THE CHAIR: That is sufficient for me. I will move on. I have spent enough time on this. We will be watching very closely, Minister. Ms Clay?

MS CLAY: Minister, can you tell me how the budget supports veterans and their families?

Ms Davidson: Yes, absolutely. A lot of the things that veterans need, in terms of access to veteran-specific services, are often delivered by the commonwealth, but there are things that we can do here in the ACT to make sure that we have a really good, strong understanding of what we need for veterans' wellbeing, and make sure that we are advocating strongly for those things to the commonwealth. We also need to make sure that all of the services that we deliver here in the ACT are able to meet the specific needs of veterans.

There is funding in this budget for a veterans wellbeing framework. I will hand over to Jo Wood shortly; she will be able to talk some more about that. We also have some funding in the 2023-24 budget for a veterans expo, to make sure that our veterans community knows what is out there that can support them.

We have a really diverse veterans community in the ACT. We have one of the highest concentrations of veterans in the country and we have one of the most diverse communities of veterans and their families in the country. We have a mix of people who are still in active service; people who have left active service but are still in the workforce and might be in, say, defence industries or they have moved into the public service; and we have people who have retired, in Canberra. Part of the attraction about retiring here is that, if you have had enough posting cycles here, you have built up a social network. That sense of connection is really important when people retire.

Making sure that it is easy for veterans to connect with the education, employment or community connection services that they need is something that the veterans expo will be able to help with. Jo will be able to talk more about the veterans wellbeing framework and what that will help us to do.

Ms Wood: Page 128 of the *Budget outlook* goes to the measure "Community support and inclusion—supporting veterans and their families". There is \$170,000 in total for this financial year but there is an offset from existing resources. As the minister explained, this includes support for an expo-style event this year. Also, importantly, it will enable us to develop a wellbeing framework for veterans to look comprehensively across the portfolio at the wellbeing of veterans and their families in the ACT and the surrounding region. Mr Stathis could speak a little bit about how we will approach that work to develop that framework.

Mr Stathis: We are starting to plan for the framework. It will be a co-designed approach, so it will be with veterans service organisations and the veterans community, and working closely with the Ministerial Advisory Council for Veterans and their Families. Through that, as our first port of call, we will be trying to understand what are the key issues for veterans in the ACT. We are also expecting, as we are developing that framework, final recommendations from the Royal Commission into Defence and Veteran Suicide to come out. We will be taking that into consideration as well.

MS CLAY: Is that co-design process the primary way you are making sure that you deliver the services that veterans and families want, and that they are involved in the process?

Mr Stathis: Absolutely. Similarly to what we are doing with the disability strategy, it is about going out there and co-designing with the community that it is affecting.

Ms Davidson: One of the important reasons why we need to do this work is that, at the federal level, there will be a new veterans and families' hub that will be established in Queanbeyan. That will need to be able to meet the needs of veterans and their families in the ACT as well. It is great that the commonwealth are investing in this. This is really important, but it is really hard for them to have a good, detailed understanding of the depth and diversity of different services that veterans in the ACT might need. We are putting the work into doing that, and doing it as a co-designed piece of work with the veterans community, so we will be in a really good position to provide some feedback, input and advice to the commonwealth on that veterans and families' hub in Queanbeyan, as well as any of the other programs and services that the commonwealth might be working on. We want to make sure there is an understanding of how things in Canberra are different for veterans compared to some other parts of the country.

MS CLAY: I think you laid out quite clearly that the profile of veterans in the ACT is not the same as the profile of veterans in other states.

Ms Davidson: Yes.

THE CHAIR: Minister, are you able to, or is anyone else in the room able to, provide an overview of the matters and findings of the meetings of the veterans' advisory council and community engagement, as referred to on page 16 of budget papers G? Can anyone give me an overview of the matters and the findings of that advisory council?

Ms Davidson: That advisory council meets regularly throughout the year. I attend those meetings whenever possible—most of them. You are talking about the ministerial advisory council there. They have a number of subcommittees and working groups that work on specific issues related to, for example, employment, education and advocacy for the DVA process. At the meetings those subcommittees or working groups will report back and talk about the progress they have been making; and I will take advice from them about how I can support the work and progress things, by advocating to federal ministers, or sometimes to other ministers here in the ACT. It is about being clear about where their priorities are and what they

want us to be working on.

One of the great things about that particular council is the diversity of perspectives and experiences that the members of that council bring to that work. It is a really good representation of what we need. I can pass to Jo Wood, who can talk more about what the advisory council has been working on.

Ms Wood: Ms Perkins has more detail.

Ms Perkins: Over 2022-23, the council has focused on advocating in the key areas of supporting the employment of veterans across public and private sectors through transition pathways; supporting trailing families—families who follow a member; enhancing equitable access to specialist services and supports for families that require additional support; enhancing access to practitioners and specialists who provide health care under DVA arrangements; identifying challenges within the ACT claims advocacy capability; and informing the development and delivery of the veterans and families' wellbeing hub, which the minister referred to, which is being established in Queanbeyan—but it will be for the region—through supporting collaboration and connection among ACT ex-service organisations and veterans support organisations through engagement and advice on ACT community needs.

THE CHAIR: That is a wonderful summary. Thank you; I appreciate that.

MR PETTERSSON: There is \$200,000 in this financial year to develop a throughcare program for youth justice. I was hoping you could provide a bit more detail.

Ms Davidson: It is such a shame that you were not here for the first part of the session. We could run through the answer again, or do you have some other things that you would like to ask instead?

THE CHAIR: I think the minister's advice is good. If there is something else that you want to go to, that might be worthwhile. If you want, I can go to Mrs Kikkert and then come back to you.

MR PETTERSSON: Thank you.

MRS KIKKERT: Minister, I have long advocated for evidence-based programs such as Functional Family Therapy Youth Justice. I was concerned when the pilot of the program ended last August without an equivalent being in place. The budget introduces ongoing funding for this program, but no dollar amount is given. Will this program be funded at the same rate as the pilot, which was \$380,000 for each six months, or is there additional funding for an expanded program? How much is there for this year and across the forward estimates?

Ms Davidson: Before I go to Jo Wood, who will be able to talk more about how much there is specifically for the Functional Family Therapy Youth Justice program, there were quite a few things that we learned from the pilot about how we would do things differently if this was a permanent program in place in the ACT. The permanent ongoing program will not be exactly the same as the pilot program. The

great thing about running a pilot is that you always learn from trying something, and you can evaluate and make sure that what you deliver in an ongoing way is the best thing possible.

We also need to take into account what is happening with other services that might change, around raising the minimum age of criminal responsibility, referral pathways and making sure we get the right fit for what families' needs are. Jo Wood can talk some more about how much funding is allocated for that and what the process will be.

Ms Wood: Ms Evans can speak to the budget measure, and Ms Sabellico can talk about the changes in the program that we will be seeking as we roll out the full program—informed, as the minister said, by the learnings from the pilot.

Ms Evans: Thank you, Mrs Kikkert, for the question. We have allocated in the budget \$3.076 million over four years for the Functional Family Therapy Youth Justice program. We will be, as the minister indicated, using that to establish a more long-term approach to FFT. The money captured in the \$10.4 million is for raising the minimum age.

MRS KIKKERT: How many children and young people will this funding cover?

Ms Evans: The way that we have looked at it is around case loads, and that amount of money is to form a team. Rather than a dollar amount being attributed to the children, which is the case load number—which I will be able to find before the end of this session, when I look through my notes—I know that, when we were looking at what the cost of Functional Family Therapy would be, it was around the need to have the practitioners who form a team. I will check that and look at providing some more detail. I do not have that exact detail in front of me now.

MRS KIKKERT: Yes, of course. Is there a waiting list for families to use this program?

Ms Sabellico: In terms of the number of cases we would expect to go through, based on the funding level, it would look at about 40 young people in the first couple of years, and that would then be raised to about 56 young people in the later stages of the outyears.

One of the things we learned from the evaluation of the pilot was that the implementation of the FFTYJ program was successful in terms of the appropriate engagement of young people, and the outcomes they were achieving. One of the things that we learned was that, because of the size and scale of the pilot, it was not able to achieve the full efficacy of the program.

In looking at how we worked on the pilot, regarding what the numbers, size and scale need to be, going forward, we have taken on board the evidence base provided through the FFTYJ program more broadly, about the building blocks you need to have, the right level of therapeutic specialists, the right caseworkers and the right level of supervision of young people. That is how the numbers were based.

The other area that we learned from the pilot is that we introduced FFTYJ with a

referral pathway only from Children, Youth and Families. The new model will enable referral pathways from other services to be able to refer young people also, so we will be able to build the numbers that way, rather than have a smaller set of numbers coming through child and family.

MRS KIKKERT: Page 74 of the *Budget outlook* mentions “diversionary responses” and it specifically mentions “Functional Family Therapy Youth Justice”. Is this program the only diversionary response funded in this budget or are there others? If there are, what are they?

Ms Davidson: Some of those programs are the kinds of things that might be considered as part of the other work relating to Next Steps for Our Kids, raising the minimum age of criminal responsibility and a youth justice strategy. There may well be other programs that we want to consider that need some more co-design conversations with the community, as well as the programs that we already have in place.

MRS KIKKERT: Minister, for many years ACT Policing and those who work in the youth justice space have raised concerns about the lack of adequate diversionary programs in the ACT, with young people often waiting for many months to access existing programs after referral. Are you confident that the reintroduced Functional Family Therapy Youth Justice program, along with the diversionary programs that you have mentioned, will have the capacity to serve young people in trouble without long wait times?

Ms Davidson: I am absolutely confident that we will see some real improvements in what kinds of diversionary programs are offered to young people and their families. The reason why I am feeling so positive about that relates to the way in which we are going about the conversations with the community sector who run some of those diversionary programs, and some of those additional support services, as part of that co-design process on raising the minimum age of criminal responsibility, and what we will also see happening with the youth justice strategy.

That is an opportunity to look at how we take the things that we already have and see how they fit together in the landscape of health and social services for children and young people, to meet their needs so that they do not end up engaging in harmful behaviour.

THE CHAIR: We have had a lot of discussion here about alternative diversionary programs. Over the past year, what alternative diversionary programs have been used in place of Functional Family Therapy Youth Justice?

Ms Davidson: Ms Sabellico might like to talk about some of the other programs that we have available in the ACT.

Ms Sabellico: Thank you for the question. We do, across the ACT and with the community sector, have a number of services that are funded to support some of our young people with risk-taking and criminogenic behaviours. We would look at assessing the needs of that young person and then appropriately have discussions with the NGOs that deliver a range of services like mentoring, therapeutic supports,

in-home assistance, family reconnect—all of those areas—in order to pull a package of services around the young person, to be able to address the identified need.

THE CHAIR: So it is a range?

Ms Sabellico: Yes, there are a range of services.

THE CHAIR: It is a range of things fit for purpose for individual scenarios. When will the Functional Family Therapy Youth Justice program resume? Please excuse me if this has been covered in the answer to the question because I am not clear: if it has not already resumed, when will the Functional Family Therapy Youth Justice program resume operation?

Ms Davidson: That goes to the time line for the process.

Ms Evans: As that money has come through in the current budget, we have been considering how best to procure that service and to check with existing providers of that service. It is quite niche. It is not just anyone who can do it. Our expectation is that when the legislation is introduced, we would be ready to push on with functional family therapy—late this year or early next year.

THE CHAIR: Is there a waiting list for access at this stage, or is there no mechanism for people to—

Ms Evans: I think what you would find is that, when there is not a program available, which happens quite regularly across a whole range of different things, children and young people would be diverted to other options that would meet their needs.

THE CHAIR: Finally, what is the role of PCYC in providing diversionary programs for young offenders under the framework vision that you have? What is their role and is there any additional funding for the PCYC either in this budget or across the forward estimates?

Ms Davidson: PCYC provides some really helpful programs for children and young people and their families in the ACT around keeping them engaged in school, keeping them engaged in community activities and seeing the strengths in what they are able to do, while also dealing with some of that risk-taking behaviour that can get young people into trouble from time to time. The kinds of programs that they are running are really valuable. Before I pass to Ms Sabellico to talk more about the programs they offer, there are a number of other things happening at the same time. You mentioned commissioning earlier; there is a commissioning process going on at the moment as well.

It is important that we keep in mind that the pathways to referrals for some of these programs and the exact type of services that they offer and the age groups for which they are offering some of these services might be the kinds of things that change a little bit as we work through what the alternative service response is around raising the minimum age of criminal responsibility.

I can assure you that we very much value having PCYC's programs here in Canberra.

I have been known to literally jump off a building in support of them, and I would do it again. Ms Sabellico can talk a bit more about what PCYC do and how we work with them.

Ms Sabellico: Mr Parton, as I said before, we use a range of non-government organisations—PCYC would be one of those—to be able to align the needs of the young person with the service delivery. If we have a young person who needs some mentoring or some intensive support to reconnect with education or family members, PCYC would provide support through casework, through mentoring and through therapeutic intervention assistance.

MRS KIKKERT: Ms Evans, you mentioned the legislation being introduced. Are you referring to the raising of the age of criminality?

Ms Evans: Yes.

MR PETTERSSON: Minister, what are the main budget measures focused on the wellbeing of older Canberrans?

Ms Davidson: I am very glad that you asked that one. We did have a really good conversation earlier today about—

MR PETTERSSON: I missed one session, and this is what happens to me!

Ms Davidson: But wait, there is more! We had a great conversation about the arts program and about dementia-friendly film screenings, but there is another piece of work in this budget that has been funded that, I think, will really help with some of those intergenerational connections. It also goes to better access to the health services, to the workforce that supports older people in Canberra and to housing pressures for university students getting those qualifications, and that is the pilot of the Gold Soul program.

This is something that has been tried in New South Wales in conjunction with—I think it is—Uni of New South Wales. We will be running a pilot of the Gold Soul program here in Canberra, and what that means is that people who are studying allied health at university—working towards their qualification—can live in an aged-care residential complex in return for some companionship volunteer hours.

What it means is that those students are building their understanding and knowledge of older people in residential aged care, and how that might relate to their future career in allied health, as well as making sure that we can get more of those students through that pathway into that workforce and making sure that aged care is a really attractive proposition for their future career.

From everything that we have seen in the New South Wales experience, aged-care residents really appreciate having this program running there. They find it a really valuable aspect of living in residential aged care when this is available.

I can pass to Jo Wood, who can talk a bit more about the Gold Soul program, and where this came from. Again, I would have to thank the Ministerial Advisory Council

on Ageing for the work that they put into advocating for this to go into the business case for the budget.

Ms Wood: I would also point to the social inclusion budget statement, which also does detail some additional programs for older Canberrans, beyond the scope of CSD's remit, in health and other areas. Mr Stathis can speak more on Gold Soul.

Mr Stathis: I think the minister covered it pretty well. Research has told us that young people—in the health professions—have got negative attitudes towards older people generally. So this is part of the University of Sydney program that we will be looking to adapt, in changing those attitudes. The student allied health professionals offered about 30 hours of their time—their volunteering time—as part of that. As the minister said, there were positive benefits not only to the people in those aged-care facilities but also to the health workers.

It really did open up the world of ageing, aged care and the value of working with older people, but also provided them with skills that they, potentially, would not have had though their normal training—specific skills of working with older people in aged care. We will take that on, and we will go through a procurement process to build that process locally here.

MR PETTERSSON: Sounds great, thank you.

THE CHAIR: Minister, in June of 2022 the ACT Auditor-General, in a report, recommended that the ACT government remove the cap and subsidy limits for the ACT Taxi Subsidy Scheme. Am I able to discuss that in this session?

Ms Davidson: Yes.

Ms Wood: Administration of the scheme is within Treasury, but it forms part of the government's commitments to older Canberrans generally.

THE CHAIR: You tell me what you can talk about and what you cannot talk about. Although the Auditor-General recommended that the government remove the cap and subsidy limits, the government raised it by 15 per cent and scheme members are entitled to an increased number of trips equivalent to two a day. I want to know, in an on-the-ground, coalface scenario, what happens when a member runs out of trips, as they have to attend multiple appointments? That is my question.

Ms Davidson: I can tell you that the feedback I hear from people who are actually using that scheme is that they do have to think, "If I have only got this many trips that are available to me, how do I make sure that I can get to the things that I need to get to as a priority and still, hopefully, have some trips left over for general going out and engaging in the community," staying socially connected and those kinds of things, so it is not all taken up by "How do I get to and from healthcare appointments."

This is one of the reasons making sure that we have a more accessible public transport network overall is really important.

THE CHAIR: Isn't it.

Ms Davidson: Light rail, in particular, is even more accessible for people than buses, in a lot of cases, once you are on it. Making sure that we are getting light rail out to the places where we can keep extending the network so that people can get access to it in more parts of Canberra, and making sure that we continue to roll out those newer generation buses so that people can get from home to, say, a town centre where there will be a light rail station, is going to be really important too. So it is making sure that we have got an integrated, accessible transport network, and that is why it has been really helpful to have that new reference group within TCCS to advise at an earlier stage on accessibility for our transport network.

THE CHAIR: I had a question I was going to ask, but I will not. Minister, on page 205 of the *Budget outlook* you estimated that this program would run to 95,000 trips in total. What happens when that number is reached? What happens when we exceed that number?

Ms Davidson: You are talking about a program that, I believe, would be run through TCCS, so that might be one that might be better directed to that area.

THE CHAIR: Again, I know it is all intertwined, but the increased cost of this initiative has increased the overall cost of the scheme by only \$150,000, and so my question would be: why not just implement the auditor's report recommendations and remove the cap and subsidy limits altogether?

Ms Davidson: My understanding of what we have done is that we have increased the Taxi Subsidy Scheme's cap by 15 per cent, and we have removed the requirement to apply for additional trips. So if we have allocated an amount of funding in the budget, that would be an expectation that this is what it will cost to actually meet people's needs. But the other factor to consider here is that it is not just about how many subsidised taxi trips you have available to you, because if we are removing the requirement to apply for additional trips, then that is no longer the only thing to consider.

What people with disability also talk to me about is the difficulty, particularly if you are a wheelchair user, of being able to get a taxi available to you at the time that you need it. That can make it very, very difficult, as well, when they have got appointments or they are going out to meet people or to do something on a particular time frame. We want people to have greater choice of how they get around the city than just using taxis. So making sure that we have got good community transport options, a good light rail system, more accessible buses getting around the suburbs and a footpath network that takes into account different mobility needs is also part of the picture.

THE CHAIR: In closing, Minister, you have talked about the potential light at the end of the tunnel in regard to improved public transport. I still find it a little odd that you are leaning on—you have mentioned the light rail system—the prospect of a tram being at Woden by 2034, and you have mentioned other town centres. Obviously, we are not going to get to Belconnen until 2050. Is it really sensible to be talking about that as a solution to this problem that exists now?

Ms Davidson: The best time to have built out a full light rail system would have been 20 years ago, but the second best time is to get on with it now, and we are doing that. In addition to that, we are also making sure that we continue to roll out more accessible buses—making sure we get more of those out into the suburbs. Ms Clay has been doing a great job in question time of getting updates on how that is going and how we make sure we continue to do that. We need to make sure that people have—

THE CHAIR: I might have even waded into that space a little; but, yes, I think Ms Clay has done quite well as well!

Ms Davidson: Yes, it is about making sure that we have more choices open to people. Craig Wallace from Advocacy for Inclusion—I remember being on transport network in the community sector with him some years ago. We were talking about the cost of public transport, and the difficulties when you are reliant on it and you are dealing with weekend services and things like that.

One of the things that he said to me that has stayed at the front of my mind ever since is that choice is a privileged concept. Not everyone has the same choices that are open to them, so the more choices that we can provide for accessible transport options—not just subsidised taxi fares but also community transport, mass transit, making sure that we are building out a transport network that meets a real diversity of needs—means that people can choose different forms of transport for different points in time as well. The way in which you commute to and from work may not necessarily be the same way you make sure that you can go see your family and friends on the weekend.

THE CHAIR: Thank you.

MS CLAY: Minister, we have mentioned the Disability Reference Group and their role in advising government. They are a really important source of information to make sure we get our services right. What are their biggest priorities over the next year?

Ms Davidson: I will be able to pass to Nick Stathis, who can talk more about the priorities for the reference group over the next year. It has been really quite a wonderful experience, a huge privilege, to be able to engage with members on that reference group over the past 2½ years while in this position. We have seen a real building of developing skills in leadership amongst some of the members of that reference group that came through the consultation for the ACT Disability Strategy, because they co-designed how that consultation was going to work, and then they led and facilitated every single conversation that was had as part of that. People with disability were the ones who did all of that leadership work.

So we have really seen an increase in the number of people that we know about in our community and see as conversational leaders in the big decisions we need to make. And not just in terms of how we have a more accessible and inclusive community for people with disability but in how we deal with climate change, how we deal with the inequality crisis, how we deal with transport systems—all of those things. People with disability want to be there and be part of those conversations, and so we have seen some members come through and lead some of those conversations, who previously

we had not seen as much from in the past, and that really builds our strength within the Canberra community. We were already an incredibly engaged, well-informed disability community in Canberra, and now, even more so. Nick can talk some more about the priorities for the Disability Reference Group work over the next year.

Mr Stathis: Just little bit more context: there are 13 members on the Disability Reference Group; and we recently welcomed three new members and we lost three—three members came to the end of their term. Echoing what the minister said, the focus over the past 12 months was on disability strategy consultation, but they also instigated a thing called “disability yarning circles” for people who are Aboriginals and Torres Strait Islanders with a disability. This is really about bringing together government and service providers to talk with Aboriginal and Torres Strait Islander people with disability to look at gaps and get some practical measures.

I know VolunteeringACT looked to recruit an Indigenous person as part of their organisation, following one of the disability yarning circles. And they have also been involved in a lot of the consultation around voluntary assisted dying and the Canberra Hospital redevelopment. The focus for next year—we are in the process of developing a forward work plan for the next year, but certainly the actual implementation of the disability strategy for the ACT. Noting we have got NDIS review findings coming out, and also findings from the disability royal commission, we will certainly be looking to that group with lived experience of disability to help the ACT shape its response to those two important activities.

I would also mention that there are more groups than the Disability Reference Group. We were talking about TCCS and transport just before. TCCS have got a disability reference group that they engage with in these matters, and we know Health and Education have also got reference groups as well. A lot of the members of the minister’s reference group also sit on those other committees.

MS CLAY: We are going through this pretty major planning review at the moment, and we get calls from time to time—there have been a few run through Advocacy for Inclusion and various other things—for a social planning unit, which we do not have. Has the Disability Reference Group had any involvement in the planning review or district strategies or layout of the city, which have a pretty big impact on transport and availability of services? Is that their role, or is that not their role?

Ms Davidson: It depends on what the priorities are for the Disability Reference Group themselves as to where they want to put their time. I can assure you that organisations like ACTCOSS, Advocacy for Inclusion and ADACAS—as well as a whole lot of other key members of the disability community—for many years have been talking to us about how we get more accessible and inclusive communities, as well as building standards.

So, for example, seeing Minister Vassarotti get improvements to universal design building standards into the National Construction Code and lead the way for the ACT on how we do that here has really given some hope to us that we can actually make some better progress on that. And it is not just people in the disability community that are looking for a more accessible and inclusive planning system so that we see more people with disability out and about in our local communities and having the kind of

housing that they need.

In my years of social research and advocacy work on housing in particular, which is 15 years worth of work, every single time I got a group of people in the community together to run a focus group or a workshop on, “What do you actually want to see in planning improvements and housing?” and not necessarily asking them about people with disability or people who need places where ageing in place is possible, they would talk about that anyway. When we talk about who we want to be as a community, the language people use is: “I want to be able to walk out my front door and see that everyone is represented in my local neighbourhood and that I have got a local neighbourhood that includes people of all ages—children, older people, people who are in that stage of life where they are establishing careers or where they are career high fliers—people with disability, and people from all cultural backgrounds. I want to see Aboriginal and Torres Strait Islander people in our community and that we are all here together, and that the spaces we are building and creating are meeting everyone’s needs.” They do not want to end up in enclaves, where it is only one particular kind of household that ends up there. They want to see that diversity. That is what makes it feel like a real community, and it means that they know everyone is welcome.

MS CLAY: Thank you.

MRS KIKKERT: Minister, the recidivism target for young people on page 10 of budget statements G is the same this year as it was last year, and there is no change across the forward estimates either. Do you have no optimism that \$10 million in new service responses and a new throughcare program will have any impact on the percentage of young people who successfully exit the youth justice strategy and not return?

Ms Davidson: Yes, I actually do have a lot of hope and optimism that we are going to change the picture and the situation for some of those young people who are engaging in harmful and risky behaviour that lands them in contact with the justice system. Anne-Maree Sabellico will be able to talk in more detail about the kinds of programs we run that can help with achieving that kind of behaviour change. But it is really important to keep in mind that different things will work for different individuals, and it can take quite some time to get those things in place, and sometimes you need multiple things to come together at the same time.

That is why I am so hopeful that the kinds of responses we are putting in place for the youth justice strategy—for raising the minimum age of criminal responsibility, through the Next Steps for Our Kids program, through things like Our Booris, Our Way—are going to come together to provide more integrated service responses for people. Ms Sabellico can talk more about behaviour change programs and how they work.

MRS KIKKERT: Before you do, and thank you, I appreciate that—Minister, it is great that you have optimism in this area; however, it is not reflected in the budget statement.

Ms Davidson: You are asking for us to try to predict what that picture—

MRS KIKKERT: Your target is the same.

Ms Davidson: might look like when we are still working out how those programs are going to work and fit together. In order to come up with a new number, we would have to have already done the co-design work with the community to understand exactly how those programs fit together and then model what difference that might make to the numbers. You might see that we are able to identify more accurately what the change will look like in the numbers once we have done that co-design work with the community. That is what the youth justice strategy funding is in there for, and the funding for the work on service responses around the minimum age of criminal responsibility.

MRS KIKKERT: So once the co-design is finished, then we would be able to see a target that is quite different from previous years on recidivism. Is that correct?

Ms Davidson: I would expect that we will be in a better position to do some modelling on what impact that does have on the numbers, but at the moment we are still trying to work out how those programs are going to work.

MRS KIKKERT: Thank you.

THE CHAIR: I am a little confused as well, Minister. Surely the battle to bring recidivism rates down is ongoing, so I am also not able to fully understand why we struggle to bring that target number down.

Ms Davidson: Yes, now I understand what you are looking for there. The work to achieve ongoing behaviour change is something that we have been doing for some time, and we would continue to do anyway, but the ways in which we will be able to deliver those services and programs are expected to shift while we are going through alternative service responses around the minimum age of criminal responsibility. We are talking about addressing some of those issues at a younger age than we might otherwise have picked them up, because we are talking about changes to referral pathways, and we are talking about different kinds of services that might be offered and ways of providing case management and the integration of services that we have not been able to achieve before.

When we have a clearer picture of how all of those pieces fit together, it is going to make it more possible for us to model what impact that would have on the numbers. But we need to do that work with the community organisations and with the government agencies that are engaging with those children and young people and their families.

THE CHAIR: I am going to move to the Bendora Transition Unit, which was a response to the Human Rights Commission's 2011 review of the youth justice system but was shut down in 2016. The Human Rights Commission's 2019 review of Bimberi called the lack of a throughcare program a major issue and recommended re-opening Bendora, and the 2020 Healthy Centre Review of Bimberi urged the government to take urgent action regarding the lack of a throughcare program for youth justice.

This budget includes \$200,000 for the design of a throughcare program: why has it taken so long for this to happen, because we really seem to be dragging the chain on this?

Ms Davidson: Before I pass to Jo, who can talk a bit more about what has happened from 2016 through to 2023 on throughcare work, and why we are at the position that we are today, I think it is also really important to take into account the huge amount of policy work that is going on within the child and family services and youth justice space at the moment, and the amount of resourcing that CSD has to do that work while dealing with the ongoing workforce impacts of COVID-19—not just the public health impacts but the economic impacts as well—and what that has done for workforce pressures across all sorts of health and social services and policy areas in the ACT.

We are also very mindful of the fact that every time we do these pieces of work, it is more consultation that we need to do with the community, and, frankly, that is a pretty huge ask—to be continually adding more and more. So we are very mindful of how we put those pieces together so that we do not have to be asking as much of them, and so that we can find ways to get that on a time line that is not quite as crushing. Jo can talk some more about throughcare and what we have been doing in the meantime.

Ms Wood: Thanks, Minister. We were speaking earlier about youth justice strategy development. One important, critical deliverable of the youth justice strategy is the throughcare model for Bimberi, which has been raised in a number of reviews. As Dr Bassett referenced earlier, one of the key foundational pieces of work we have been doing to inform that throughcare model is the “better practice review”, which is looking at those models across jurisdictions to look at the therapeutic models that are most appropriate to the Bimberi setting. That work will be a really important contributor to the new throughcare model when it is developed.

Ms Brendas can speak to some of this if the committee would like more detail. There has been, over a number of years, a range of reviews of Bimberi and a huge amount of work that has gone into both the physical environment around safety and security, into training of the workforce and into a whole range of other supports for young people. So, while throughcare is in development, there has been a lot of reform in Bimberi itself, and as the minister has referenced, there was a significant period where Bimberi was particularly impacted by COVID lockdowns and COVID restrictions. Obviously, we had to pivot to making the safety and health and wellbeing of young people the critical priority, so there was a period during which that sort of forward-looking work was not progressing, but we are very actively working on the throughcare model with the resources that have come through this budget.

MRS KIKKERT: The Healthy Centre Review recommended that throughcare at Bimberi be developed jointly with ACT Health and the Education Directorate. Is this happening? Who is involved in the co-design process, and why was it necessary to appropriate additional funding for the process?

Ms Brendas: Thank you for your question, Mrs Kikkert. That is part of the better services review, so that will be included. The throughcare program will be considered

with our colleagues in Health and Education, as well as our community colleagues, as part of the new youth justice strategy.

MRS KIKKERT: Okay, so we understand that the throughcare design process should be completed this year. When can we expect the new program to be up and running?

Ms Brendas: I will hand over to my colleague, Dr Bassett.

Dr Bassett: Thank you, Mrs Kikkert. We just, as you know, had the allocation delivered to us, and as I mentioned in my previous answer, the previous work that we have done on the analysis for the better centre review, and the better practice review work, has really given us that evidence base that we need in order to develop the new programs and, particularly, focus on throughcare.

I have only just commenced the discussions about how long and with whom and all of those kinds of things, as you can imagine—the budget process just having been completed. But we are certainly intending to consult widely across Education and with our Health colleagues; mental health, as well, is particularly important in this area—that we have those allied health professionals, the mental health professionals and the other services engaged.

Education will, of course, be absolutely critical to this, and the services for young people re-entering the community and how they engage with those services is going to be an absolutely fundamental part.

MRS KIKKERT: Thank you.

MS CLAY: Minister, I am interested in the new adolescent beds in the Centenary Hospital for Women and Children, as part of the expansion; it is 14 beds. I was particularly interested that there is a really strong art element in that. Can you tell me what that was and why you thought that was an important part of that?

Ms Davidson: Yes. The artwork is in that new adolescent health unit at Canberra Hospital. Some of the artwork there has come from what was in the previous paediatric unit, and the local artists that created that artwork were brought back to recreate it in the new unit and then extend it, and, actually, it really goes to what artwork does to change how you feel about the space you are in.

For families and young people who are in that adolescent unit, when they first come into that unit there is a family lounge area with a really brightly coloured fridge, and space where they can sit and wait for things to happen, and there is quite a lot to look at in that space. Because in that space, you are sitting there, you are trying to pass the time and think about positive things, and so there is an artwork mural all over the wall with a lot to look at.

Then as you walk down the hallway towards the rooms that people might be staying in, the artwork gets quieter and quieter, and calmer and calmer, as you walk down there. Similarly, in the mental health specific part of the unit, there is artwork on the walls that is about trying to bring some of the outside in, so pictures of platypus and

things like that, and artwork that has been done by Indigenous First Nations artists here in Canberra to really maintain that connection with place. The way in which that is incorporated is where you have got, on one side, walls that go to the internal part of the hospital, and so that is where you have got, say, pictures of platypus, for example. On the opposite wall, you have got windows that look out over green fields and trees and playing fields, and so the artwork is part of that whole design of that space to make it feel less like you are in a clinical hospital environment and more like what it is going to be like when you get home, to maintain that sense of connection.

MS CLAY: Yes; this is great to hear. It is really interesting. There is a lot more art being used in therapy. I know Tuggeranong Arts Centre does a lot of art integrated with what traditionally would have been thought to be therapy or medical services. Is that something that you look to across your CSD portfolios?

Ms Davidson: Yes, absolutely, both in CSD in health and mental health as well. For example, in mental health, that adolescent mental health unit includes creative therapies like music therapy and art therapy as part of their day program. The Safe Haven in Belconnen—there are a lot of young people that are using that. Uni students, in particular, have talked to me about how much it has helped them. People go in there, and music and art are part of the kinds of activities that they might engage in while they are there and they are de-escalating and working through what they need to do next.

Within CSD as well, it is a big part of how we engage in the community and create a sense of social connection, so quite often things like disability, senior and veteran grant programs will include a number of programs in the arts and culture that really go to people being able to tell their own stories in their own voice. It is the kind of work that, for example, Rebus Theatre does in the community. It is the Centenarian Portrait Project that was done recently. We have got veterans that have been going out to a blacksmithing forge out in Tharwa and making things. All of that really helps to work to people's strengths and their skills and showcase their creativity, but also are ways of how we engage with each other in the community.

MS CLAY: Thank you.

THE CHAIR: With that, we are done. You have survived! On behalf of the committee, I thank Minister Davidson and officials. You guys were great. You guys gave some really good answers.

MS CLAY: They were.

MRS KIKKERT: Yes, they were very good.

THE CHAIR: They gave some really good answers to specific questions, and it just makes everything easier. We are going to suspend now for 15 minutes. We reconvene at 4.15 pm. If you took questions on notice, could you please provide answers to the committee's secretary within five working days. Thank you.

Hearing suspended from 4.01 to 4.15 pm.

Appearances:

Cheyne, Ms Tara, Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights and Minister for Multicultural Affairs

Chief Minister, Treasury and Economic Development Directorate
Triffitt, Mr Ross, Executive Branch Manager, Events ACT
Chesworth, Ms Fiona, Executive Branch Manager, Better Regulation Taskforce—
Policy and Cabinet Division
Hassett, Mr Glenn, Senior Director, Business and Innovation
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Starick, Ms Kate, Executive Group Manager, Policy and Strategy, Economic
Development

THE CHAIR: In the final session today, we will speak with Minister Cheyne again, this time in her capacity as Assistant Minister for Economic Development, and officials. Proceedings are being broadcast live. If you take a question notice, emphatically say, “I will take that on notice.” I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw attention to the privilege statement. We are going to do it on the voices. Could you confirm, for the record, that you understand the implications of the privilege statement and that you agree to it? Excellent. There are no opening statements. We will now get to questions. I wanted to get to the refurbishment of Fitzroy Pavilion, which we have discussed—

Ms Cheyne: Not this portfolio.

THE CHAIR: This is what I fear with a number of things here!

Ms Cheyne: Just like it was not my portfolio yesterday. It is for the Chief Minister. Mr Parton, I really need to be quite firm this time.

THE CHAIR: All right. That is good.

Ms Cheyne: I do not have the people here to speak to it.

THE CHAIR: I am not throwing grenades at anyone. I am just—

Ms Cheyne: We are excited that you are excited.

THE CHAIR: Yes. Can I get to the ACT Event Fund—

Ms Cheyne: Yes.

THE CHAIR: Bang! The website says that the 2024 funding round is opening in late July. Has this begun?

Ms Cheyne: No; it has not. We are in the final stages of having another look at our guidelines. We look to see if they are fit for purpose in each round and we make

tweaks to those. That brief is with me. You might be aware that I have had all staff away due to illness this week, except my excellent office manager—at least for the last few days. Actually, Nick was there yesterday. I am very low-staffed at the moment, Mr Parton, so it is just the Tara show. We are working through that at the moment. That brief is with me. I am hoping it will be in late July. If not, it will be in very early August.

THE CHAIR: For each funding round, how many applications does the fund typically receive?

Mr Triffitt: Last year, we received 47 applications for assessment and that is probably on par with similar previous years.

THE CHAIR: What is the process for assessing those grants? Who is on the panel? How are they assessed?

Mr Triffitt: It is an independent panel established with people that have experience in the events sector or experience with events and festivals. We do not make the assessors public for fear of them being lobbied around their applications. It is a similar group of people that we call on each year that make those assessments.

THE CHAIR: How is the overall economic benefit of the ACT Event Fund assessed? Does the directorate do any analysis?

Mr Triffitt: Yes. The event organisers provide acquittals against the funds. There are two categories for the fund. One is focused on events that will create some tourism benefit and some economic benefit. Some evidence is provided against those acquittals. The other portion of the funds is used for community events. The focus is actually on social benefits and outcomes.

THE CHAIR: That is sufficient for me. Does someone want to tag on that?

Ms Cheyne: Would it be helpful to explain—I am happy for you to say no—some examples of what have been community events versus the ones that provide more of an economic development element?

MS CASTLEY: Did we touch on the process as well? Can we get the process?

THE CHAIR: Do you have a specific supplementary, Ms Castley?

MS CASTLEY: Yes. I just cannot recall whether you asked the question, Mr Parton. I would like to know about the process of applying.

THE CHAIR: Mr Triffitt gave a basic description of the framework, but I guess we could go more to the process.

MS CASTLEY: Who is on the panel?

THE CHAIR: I do not think they are telling us who is on the panel, for reasons that have been described.

Ms Cheyne: Yes, that bit we just covered.

MS CASTLEY: Okay.

Ms Cheyne: We open applications around the middle of the year. That will occur imminently. Submissions are provided against the guidelines. They are assessed by that panel against the guidelines. Then a brief with recommendations comes to me, which also includes ones which have not been supported for funding. I note that and note if I perhaps have any conflicts of interest with any of the organisers, and, if that is the case, then a delegate in the directorate makes the decision instead, which is usually Ms Arthy or Ms Starick. Otherwise, we send letters informing persons if they are successful or not. This round of funding is \$400,000, and then there is an additional \$50,000 for out-of-round funding, which can occur at any point. I can give an example: Spilt Milk has received out-of-round funding for the festival this year. Then there is another \$50,000—am I right, Mr Triffitt?

Mr Triffitt: Yes. Minister, I will summarise. The total budget is \$465,000. Four hundred thousand dollars is used for a timed round of funding. That is open for approximately four to six weeks—normally August to September—and that is for funding events in the next year. Sixty-five thousand dollars is retained; \$15,000 is used for sector development activities or leveraging some of the events that have been funded; and \$50,000 is used for out-of-round activities, where we may be approached with a number of grant requests that are outside of that funding window.

MS CASTLEY: I have one more question on Spilt Milk. It might be more a transport question. Will there be more transport options prepared for Spilt Milk? Is it happening again?

Ms Cheyne: That is for the Chief Minister tomorrow.

THE CHAIR: We will get into that. Minister, you made reference about the process—that recommendations are made to you, and then ultimately, based on advice and briefings, you will make decisions, but that, on occasions, you may have to defer to others based on conflicts of interest. Please, do not misunderstand; I am asking a genuine question. I am not alluding to anything. It is a small town, and those of us who have been here for a long time have a lot of relationships with a lot of different people.

Ms Cheyne: Exactly.

THE CHAIR: Is that difficult to manage? More so, do the panel members declare any conflicts with applicants?

Ms Cheyne: I will answer for myself and then Mr Triffitt can talk about panel members. It is a very reasonable question, Mr Parton. I appreciate you not making a—

THE CHAIR: It is just that, as soon as you say, “conflict of interest”, people—

Ms Cheyne: Of course. I think it is standard for any grant round, but particularly in

the arts and the events funds, to acknowledge that. I will annotate a brief if I believe that there is a relationship that is not just professional but a quite personal relationship with someone who might have applied for funding, and then that decision is delegated elsewhere.

THE CHAIR: Is it difficult to determine that threshold?

Ms Cheyne: I have not found it difficult—no.

THE CHAIR: In regard to declarations from panel members and their conflicts, that is part of the—

Mr Triffitt: That is part of the process—yes. On seeing the applicants, if there are any potential or perceived conflicts of interest, they will declare that, and, if required, they are replaced in the assessment of that individual.

THE CHAIR: That is all I have. Ms Clay.

MS CLAY: Thank you. Entertainment precincts, Minister.

Ms Cheyne: Not for this hearing—actually, maybe.

MS CLAY: I think yesterday you told us it was for this session.

Ms Cheyne: Night-time economy is for me, entertainment precincts are for Minister Gentleman. But let us hear your question.

MS CLAY: Sure. We have hit the first problem with entertainment precincts. The government has a commitment and we ran some of these questions yesterday, with the Chair. Government has a stated commitment—

Ms Cheyne: With who—sorry?

MS CLAY: The Chair ran some questions yesterday about entertainment precincts in the context that government has had a commitment to deliver entertainment precincts for a long time, but we have seen limited action. On 14 March this year, I wrote to you and the planning minister. I am finding it difficult to navigate who is delivering entertainment precincts, so at this stage I am asking both. I have not heard back from either of you, so I might take the opportunity to ask some of the questions now, and this might be a good opportunity for you to say, “No, that is not for me; that is for the planning minister,” or, “Yes, I can answer that question,” given that I have written to—

Ms Cheyne: Sure, and we have the relevant officials from BRT as well.

MS CLAY: That is great.

Ms Cheyne: My understanding is that we referred this to Minister Gentleman’s office, but I will check that and I will correct the record if that is not the case. I apologise that you have not received a response.

MS CLAY: That would be great. Thank you.

Ms Cheyne: I do not believe I received a follow-up. I am sorry that we missed that.

MS CLAY: Thank you. We have received information recently—an update on what is happening with entertainment precincts in Civic—but, when I have asked in the Assembly, I have not had any updates. I have asked about other areas and I have not heard any updates about entertainment precincts in other areas. Certainly, there is concern about the densification along Northbourne Avenue and whether we need an entertainment precinct out there. There are concerns about Belconnen. There are concerns all around the city about entertainment precincts. The last time I got an update, I heard that Arup had been commissioned to produce a report on entertainment precincts. Has that report been completed?

Ms Cheyne: Yes.

MS CLAY: Excellent. Is it public?

Ms Cheyne: Yes.

MS CLAY: Great. Has that report been integrated with the current planning work on district strategies and territory planning work at the moment?

Ms Cheyne: Yes. That is my understanding, Ms Clay. I will provide you the information that I have. EPSDD has been working with other parts of government and independent experts to determine the planning and noise regulatory changes required to deliver on the entertainment action plan, and the Parliamentary and Governing Agreement to amend the Territory Plan to create entertainment precincts, starting with the city entertainment precinct. The project has been investigating the most appropriate regulatory changes to establish entertainment precincts in the ACT, commencing with an entertainment precinct in the city centre, and a key consideration has been how potential planning and noise regulatory changes will interact with the new planning system, including the Territory Plan.

In 2022, Arup was appointed to review and assess the planning and noise related regulations and requirements needed to establish an entertainment precinct in Canberra's city centre and to provide recommended options for change. Its report, *Entertainment precinct study*, evaluates the ACT context through five key components: strategic planning, zoning and land uses, development standards and controls, development assessment procedures, and compliance procedures. The report presents findings on the implications for noise management in each of these key components. Building on the findings, Arup notes matters for further consideration and has categorised these to inform government's next steps, and these will form the basis of the entertainment precinct work, but they will also feed into the broader night-time economy work being led by the taskforce.

There is an entertainment precincts project website, Ms Clay. It is on the planning website, under "Planning projects". Community consultation on the city centre entertainment precinct will be included as part of the taskforce-led,

whole-of-government consultation engagement on the topic-specific areas—the principles and the vision we were talking about yesterday—as part of the night-time economy reform. So there are two streams of work working together. I will see if the team has anything.

MS CLAY: I might focus it down a little bit. We have had a lot of really clear information about Civic, and I keep getting really clear information about Civic, so the question is probably not about Civic but other entertainment precincts. I could not see those identified in the last draft of the district strategies and the Territory Plan, so I would like to know, given that we are expecting, imminently, district strategies and the Territory Plan to come back through the Assembly, will those have entertainment precincts in them in other areas, not Civic, or is this for the next stage?

Ms Cheyne: It is not a question I can answer, not being the responsible minister. It is for Minister Gentleman. That is all subject to cabinet processes as well. What I would say is that the priority is per the PAGA, as per our public commitments. I suspect there will be more entertainment precincts, but the city centre is the priority, and what we learn from that will help inform future entertainment precincts.

MS CLAY: It would be great if you could take an action. It is not a question on notice, but I would love an update to the letter that I wrote in March from you or the planning minister—I do not mind whom it is from—about the current state for entertainment precincts in relation to that planning. Thank you.

MR PETTERSSON: I was wondering if the committee could get an update on the Balloon Spectacular and its economic impact?

Ms Cheyne: Sure, Mr Pettersson. I will start and then I will hand over to Mr Triffitt. We were delighted to welcome the Balloon Spectacular back to Patrick White Lawns on Saturday 11 March, and it ran until Sunday 19 March. Pride flags flew from the balloons on Saturday 11 March as part of the pride weekend celebrations. We were delighted to have a total of 29 balloons participate in this year's event, and this year's special shape balloon was Buster the Bulldog.

Across the nine days of the balloon festival, there were five no-fly days due to unfavourable conditions, but during those no-fly days, several balloons tethered at Patrick White Lawns to ensure that there was still an experience provided to those in attendance, and there was a range of food vendors as well to support attendance. Attendance at the Balloon Spectacular this year was 38,862, and the Balloon Spectacular, I believe—please correct me if I am wrong, Ross—generated direct in-scope expenditure of \$2.18 million for the visitor economy and there was a total economic impact of \$5.6 million. Mr Triffitt will be able to provide you with some more details, including how people responded to the event.

Mr Triffitt: Thanks, Minister. That is correct—\$2.18 million in economic impact for the visitor economy. There were visitors coming to the ACT specifically for the Canberra Balloon Spectacular. There was a total economic impact, including local expenditure, of \$5.6 million. We had very strong event satisfaction—4.2 out of 5—for the attendees at the festival, and a very strong net promoter score. The festival continues to be very popular and there is very strong advocacy for the event.

MR PETTERSSON: That is great. Like all other festivals, there are always opportunities to do better. From witnessing this year's Balloon Spectacular, are there any thoughts as to ways to make it even better?

Ms Cheyne: Perhaps having some better weather would help!

THE CHAIR: Is that not the thing!

Ms Cheyne: Yes. I would suggest that this is something that we look at in terms of the timing of festivals generally. The time that the Balloon Spectacular has traditionally been held over, I believe, around 30 years was during quieter wind times. It needs to be a little bit windy so that they can actually move, but not too windy, so it really is a fine art. The March period used to be a lot more stable period than it has been in the past few years. Mr Triffitt can expand on other learnings for us.

Mr Triffitt: I think that is very accurate. The timing of the festival is in consideration of international and national events as well. There is a very active ballooning community, so we want to time the event when we can have as large a participation as possible, have access to as many different special shapes as possible, and have as many options as possible for the festival. The current timing has been consistent for many years and has generally allowed for the majority of days to be fly days, but there are the odd days when the conditions are not favourable, particularly if the wind direction is in the wrong direction.

Ms Cheyne: They cannot fly over the airport. It is a major consideration if the wind is blowing in that direction.

Mr Triffitt: In fact, the majority of the cancellations we had were in relation to the fact that the prevailing winds were heading towards the airport, so they were unable to fly.

THE CHAIR: In regard to the whole weather scenario—and that obviously was the biggest downside—it almost sounds as though, based on some of your answers, Minister, that some consideration has been given to potentially, notwithstanding all the international festival timings, moving that event to another time. Has there been? Has there been even a seeking of high-level meteorological advice on this? I assume that, once we get out of this La Niña pattern, things will get back to normal in March. I am sorry—I am rambling now. You take it.

Ms Cheyne: No—it is a fair enough point, Mr Parton. I am probably generally musing about the weather timing. In an El Niño period several years ago, every time I booked in a short period there was a cancellation due to the weather, when I was personally going up for a birthday present, so I do not think it is particularly related to the El Niño and La Niña weather patterns. What I could say is that there is broad consideration about Enlighten and its branding. As you know, the Balloon Spectacular is part of the broader Enlighten Festival, but the Balloon Spectacular also has its own very strong brand in and of itself. These are all considerations that we think through, on this but also with the Chief Minister, as the minister responsible for the broader Enlighten Festival.

THE CHAIR: I guess that is one of the strategies. It has to be, does it not? We are going to you, Ms Castley.

MS CASTLEY: Minister, yesterday we touched on the night-time economy. It might have been in Mr Parton's questions. Previous reviews and work have been undertaken by the government. You agreed that this area has been explored before. However, the government has not done enough to address the concerns of business. Is that a fair summary of what we talked about yesterday? To date, do you believe the government has—

Ms Cheyne: You were there, Ms Castley. I would refer you to the *Hansard*.

MS CASTLEY: Can you tell me what the sentiment is from business on how much they are trusting you to deliver these new initiatives for the night-time economy?

Ms Cheyne: Sure, Ms Castley. I would say that I have been quite delighted with the response that we have had so far. I will hand over to the taskforce team in a moment that is leading this work. When I became the minister with this responsibility, I think MusicACT started calling me “Minister for the Night-Time Economy”—not that that is within my title, but it is certainly within the AAs. When I spoke at the Tourism Leaders Forum in early May, I gave an indication that this was our major priority in work for the BRT this year. That was certainly very well received.

Then, when I provided the vision at the ACT Music Forum in June—Ms Lawder was there, but I am not sure that you were; Mr Davis was there and perhaps you were there, Ms Clay—the draft vision itself received a round of applause. There were many people there who are artists or have businesses. It was held in a business. We have been engaging since on that. We have had some great engagement, for example, from the Canberra Centre, but we are about to kick off the period of really talking about the principles for reform and the provider communications link. I will ask the taskforce to provide some more of the sentiment that they have heard in the last few months.

Ms Chesworth: Thank you for that. We have found, in our discussions already on the night-time economy in relation to the vision, as the minister said, that it is an area of interest for business. They are keen to talk to us about it and to understand what the next steps are. We have been very careful to make sure that we are not repeating questions or not repeating things that we have already heard about. A large part of our work to date has been going back over what we have already heard in relation to the night-time economy through previous engagements and making sure that we are reflecting that and not asking business to take us through it again. We understand that and we know that.

The next level of consultation is down to the more granular level around regulatory reforms and other measures that we can take. In terms of the work that the taskforce itself is doing, we are making progress in relation to potential reforms around liquor, and we will be discussing those through the stakeholder panel arrangement once we get that established. The proposal is that each panel that we hold will focus on a particular topic or priority for business in the night-time economy.

MS CASTLEY: I understand that they are keen for the vision. They are hopeful for change and you are hearing that there. Do they believe that it is actually going to happen? Is that the sentiment that you are getting?

Ms Cheyne: I feel it is already quite different in this round of consultations. Because of what we have heard so far, we have some ideas that are relatively advanced in terms of what we think might work. We are not just in a stage of doing another round of collecting ideas; we have some propositions—

MS CASTLEY: From business?

Ms Cheyne: Yes—from business. From within government as well, and from within Access Canberra as they have been engaging with businesses in a regulatory sense. We are using the information that we have heard to come up with some ideas to present and ask, “What do you think but this?”—testing it with a broader range of people and understanding if there are any unintended consequences or things like that. We talked yesterday about needing to see some action and I think this is a step forward.

MS CASTLEY: There was the night-time economy workshop. Has that helped inform part of this vision?

Ms Chesworth: The workshop that we held as part of the discovery phase?

MS CASTLEY: Yes.

Ms Chesworth: Yes—most definitely, that was helpful for us. What has been really helpful for us in putting forward the draft vision and the principles that underpin it is a really close analysis of what other jurisdictions have done, the way they are thinking and what has worked in successful night-time economies globally, as well as other jurisdictions in Australia.

MS CASTLEY: Great. We did an FOI on the BRT. It is on page 173. You may not have this in front of you. It is all about the draft of the BRT’s discovery phase report. It has the track changes and comments in the FOI and there are a couple of pretty scathing comments that appear to be from you, Minister. There was talk about the taskforce’s workshop and what was highlighted. Someone was saying that the wording needed to be softened—failures still needed to be softened. I am concerned. There were comments saying “a lack of coordinated approach to approvals and regulations around operating a business in this sector”.

Going back to my original question, I know businesses are desperate for this—they are desperate for the vision and the change—but you or members who have commented on the report have acknowledged that the words might need softening. My concern is that, in my electorate, and having a little bit to do with the night-time economy, businesses do not feel that anything will change. I am wondering how they will react when their words have needed to be softened for your report. What do you say about that?

Ms Cheyne: Thanks, Ms Castley. I do not have it in front of me, so I cannot talk to a

particular example. I am not sure that you are referring to a direct quote from a business there, in terms of how language is being framed.

MS CASTLEY: I could circulate this, if you would like.

Ms Cheyne: If you wish, but, if it is simply about how it was drafted, while something is in a draft form, sometimes language can be used in a shorthand way which can more reflect a perception than a reality. I would certainly say that, from my understanding of how a lot of our engagement from Access Canberra works, it is in a really joined up way. We want to have the confidence of our directorates and the organisations who are going to be delivering this work and want to have their work reflected fairly too. This was a long time ago, so I cannot speak to that in detail, but I stand by those comments.

MS CASTLEY: Okay.

THE CHAIR: I am worried that there are probably more important questions than this, but I am keen to know—and please understand that when you are involved in a committee like this you are operating often in portfolio spaces that are a long way removed from your own—

Ms Cheyne: I have been there before, Mr Parton.

THE CHAIR: I understand the economic development imperative for creative industries in Canberra, but are you able to explain the delineation in the creative industries line item we are examining in this session—for example, the difference between it and artsACT or the Cultural Facilities Corporation?

Ms Cheyne: Yes; sure. This is something that we were talking about just before: how we are expressing this in part of all the work that we are doing, because of course artsACT has a focus on arts development. Where the delineation stands for me is that this is about all of the industries, including the ones that do not necessarily sit within the arts portfolio, like Screen Canberra and the ancillary industries that are associated with that. It includes gaming and things that do not technically fall within our art space but do have a link there. That is one of the reasons why Ms Fulton is here, as Executive Branch Manager of artsACT, because there is that crossover there.

It is more about the economic development aspect of creative industries and what the return can be to the economy from the arts and those creative industries. In my mind, as a minister across both—and, indeed, Minister Ramsay was minister for the arts and creative industries—there is a natural fit there. How it has looked and how it has translated is bringing that closer and closer. In one of my very first interviews I acknowledged that artists are businesses; they are business owners. They are earning and often employing. They can be single business owners, small business owners.

As part of the promotion element under the Statement of Ambition for the Arts, we have also been looking at how we can assist our artists and our arts organisations to reach more and to capitalise on opportunities that are presented from our Major Event Fund and major institutions like the National Gallery and so on. What you have probably seen that translate to is a lot more of those collaborations between our

organisations, as well as in Ms Arthy's other role in supporting the tourism minister. We have been running some tourism workshops with artists and arts organisations to help them make use of that. A good example to think about is that the Canberra Symphony Orchestra recently held a fantastic night-time event at the National Museum. That brought together different audiences who might be big fans of the National Museum or big fans of the Canberra Symphony Orchestra and cross-pollinated, trying to grow audiences overall.

THE CHAIR: All right. Look, that is enough from me.

MS CLAY: Minister, I could not find anything in the budget about screen funding and about Screen Canberra. Have I missed that in the budget? Where is that?

Ms Cheyne: I will double-check with the team in terms of where it fits. Generally, what is presented in our budget statements and the budget outlook is high level and then there are budget initiatives, budget policy decisions that have been made. Screen Canberra is primarily driven by the Screen Investment Fund, which is \$5 million over a six or seven-year period. That is the major body of work. You might recall that there was also a major commitment from us for a Screen Attraction Fund of \$450,000 a few budgets back. That was probably one of the most recent budget initiatives for screen. But where it is presented—

MS CLAY: Can you tell me what the funding is for Screen Canberra in this budget and where it is in the budget?

Ms Cheyne: I will seek advice from officials.

MS CLAY: We did look. I found references to the Cultural Arts Program and arts activities—

Ms Cheyne: Yes.

MS CLAY: I just was not sure where the funding was.

Ms Cheyne: Yes; sure.

Mr Hassett: Screen Canberra is funded out to 2024-25 and receives, on average, \$700,000 a year from various sources. It receives base funding for an appropriation to BNI and it is provided with some base funding from artsACT through the Screen Investment Fund. Its funding is around \$700,000 each year.

MS CLAY: Is that \$700,000 ACT government funding?

Mr Hassett: Yes.

MS CLAY: Great.

Mr Hassett: That is right.

MS CLAY: And where is that in the budget papers? What is that called?

Ms Arthy: It does not have a separate line item because it is funded out of the economic development output, as part of our core funding.

MS CLAY: Okay.

Ms Arthy: It comes from various elements and through business and innovation and the artsACT line. It does not appear as a separate funded output in the budget papers.

MS CLAY: Okay. If somebody wants to learn a little bit more about what the funding is for Screen Canberra, where is the best place to look, if not the budget? Have I missed something?

Ms Arthy: I am just checking whether there is anything on their website.

MS CLAY: I love Screen Canberra. It is a great part of the arts scene. I love transparency of arts funding and I am just trying to work out how it is possible to put together the picture for our arts and creative industries funding if it is not separately identified. It is a bit tricky.

Ms Starick: I might take this on notice. Checking the Screen Canberra website, there is information about the Screen Investment Fund. I will take on notice to look at the ambition for the arts funding—

Ms Cheyne: Ms Clay, I think we discussed it yesterday.

MS CLAY: Yes.

Ms Cheyne: Remember when you were asking: “Where is the picture of everything?”

MS CLAY: Yes.

Ms Cheyne: The arts, cultural and creative funding at a glance section has the Screen Canberra funding separated on that page.

MS CLAY: Great. I wonder, in future budgets, for an amount of \$700,000, if it should be separately identified in the budget. Is there a reason that it is not?

Ms Arthy: Purely because of the way that we fund it. We fund a lot of organisations. If we had separate line items for each one it would be quite big.

MS CLAY: Okay.

Ms Arthy: But I take on board your point around the transparency, and we will have a look—

Ms Cheyne: We will reflect on how it is in the annual report as well.

MS CLAY: I was going to say: it might be that further information can be provided in the annual report. I will let you know my interest and then maybe it will be easier for

you to understand. I look to put together the whole funding scene for the arts. I sat down to work out how the Screen Canberra funding fits in with our CBR Screen Attraction Fund and I just could not get the information. It was quite difficult to work out how it all fits together. I do not know if that is for annual reports—

Ms Cheyne: Sorry; how the Screen Investment Fund fits with the Screen Attraction Fund?

MS CLAY: Yes. I was trying to get a sense of the whole scene—

Ms Cheyne: I see.

MS CLAY: and strategically how our funding is working together to deliver on our goals and our statement of ambition goals. It was quite a difficult piece to put together.

Ms Cheyne: This is something that we have been working on. I think the “at a glance” does really help. As we start to report against our action plan under the Statement of Ambition for the Arts, that will also help. But you are right: this is something that we did not do to the extent that we are doing it now. We are always happy to take that feedback.

MS CLAY: Thank you.

MR PETTERSSON: I was hoping the committee could get an update on Symphony in the Park and how it was received this year.

Ms Cheyne: Yes. Thank you, Mr Pettersson. Symphony in the Park was held under the broader Enlighten umbrella on Sunday, 12 March, just before Canberra’s 110th birthday on Canberra Day. This year Canberra Symphony Orchestra performed with Electric Fields, which is a very popular band, and LGBTQI+ artists who had just created the official anthem of Sydney’s World Pride. They were very fresh from that, as you would appreciate, with the timing there.

Attendance at Symphony in the Park was 2,500. The overall satisfaction rating was something I was quite interested in because Electric Fields were a bit of a different offering to what we have had in past years. We have had BABBA, as well as a Fleetwood Mac band. We have had some cover bands in previous years with big catalogues of work. In 2022 we had Lior. It has been useful for us to see what the community interaction is with a different offering. Some more contemporary bands or bands that are not just cover bands—however excellent they have been—have attracted some fantastic audiences for us.

The overall satisfaction rating for Symphony in the Park was 84.7 per cent. The 2022 satisfaction level was 73.4 per cent, so both were very high, but it was a big increase this year. The community impact ratings that we surveyed were also high: 97 per cent of survey respondents agreed that the events helped to create vibrancy and enjoyment in the city and 95 per cent agreed that it makes Canberra a more enjoyable place to live. Also, we were very pleased to offer 22 food vendors at the event. They were entirely local vendors. That is in contrast to just six food vendors who traded in 2022, which may also have had an impact on how people felt about the event. I will see if

Mr Triffitt has anything to add.

Mr Triffitt: I think you have covered it very well, Minister.

MR PETTERSSON: It was very good. I am curious about the satisfaction ratings that keep getting referenced throughout a bunch of answers I have received today. They are all very good, so you should be commended on that. I am curious about what the lowest satisfaction rating for an event is.

THE CHAIR: Which one tanked?

Ms Cheyne: We may have that.

MR PETTERSSON: I am more curious about what the event is, as opposed to the number.

Ms Cheyne: I do not have that in front of me. I am guessing.

Mr Triffitt: Sorry; I have to take that question on notice. I do not have that.

Ms Cheyne: How about we take that on notice; we will come back.

MR PETTERSSON: That is quite all right.

Ms Cheyne: I suspect it has changed from year to year.

Mr Triffitt: Yes.

Ms Cheyne: COVID massively affected satisfaction ratings, particularly because some of these events had to be ticketed and fenced, even though they were free. That was confusing for the community. So it may be difficult for us to point out one.

MR PETTERSSON: Yes.

Ms Cheyne: But we will see what information we can give you.

MR PETTERSSON: A sensible answer of some description.

Ms Cheyne: No worries.

MR PETTERSSON: Thank you.

Mr Triffitt: Sorry; may I just clarify what time period you are referring to?

MR PETTERSSON: Post COVID.

Mr Triffitt: Yes.

THE CHAIR: We are done. Thank you to our witnesses. Thank you, Minister, and thanks to all those who have appeared today. If you have taken a question on notice,

please provide answers to the committee secretariat within five working days of receipt of the uncorrected proof. If members wish to lodge questions on notice, please get those to the committee within five working days of the hearing. The hearing is adjourned.

The committee adjourned at 4.59 pm.