



**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**

**THURSDAY, 27 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**

<b>Chief Minister, Treasury and Economic Development Directorate .....</b>	<b>945</b>
<b>Community Services Directorate.....</b>	<b>1035</b>
<b>Environment, Planning and Sustainable Development Directorate .....</b>	<b>937, 1019</b>
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## **Privilege statement**

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*Amended 20 May 2013*

## **The committee met at 9 am.**

Appearances:

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

Environment, Planning and Sustainable Development Directorate

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

Burkevics, Mr Bren, Executive Group Manager; Environment, Heritage and Water

Jeffress, Mr Stuart, Senior Director, ACT Heritage

Russell, Ms Meaghan, Manager, Approvals and Advice, ACT Heritage

**THE CHAIR:** Good morning and welcome to the public hearing of the Select Committee on Estimates 2023-24. The committee wishes to acknowledge the traditional custodians of the land that we are meeting on, the Ngunnawal people. The committee wishes to acknowledge and respect their continuing culture and the contribution that 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 hearings today are being broadcast live, they will be transcribed and published on the Assembly website.

If you are taking a question on notice it would be useful if witnesses used the words, "I will take that question on notice." In this first session we will hear from Ms Rebecca Vassarotti MLA, Minister for Heritage, and officials. Can I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. On the voices in the room, I am hoping I can get an acknowledgement here. Could you all please confirm together for the record that you understand the privilege implications of the statement.

**Witnesses:** Yes, we do.

**THE CHAIR:** I note, Minister, we have received a written opening statement from you, and I thank you for that, but we will now proceed to questions. Minister, does the ACT Heritage Act 2004 provide the ability to appoint an interim council, and, if so, under what section? I want to know exactly what the framework allows you and/or the government to do.

**Ms Vassarotti:** Thank you, Mr Parton, for the question. I think it is a good one and it is one we contemplated in relation to making some decisions when we felt that we needed to move to do some work last year. What the act enables me to do is to appoint a heritage council. What I have done is I have appointed a council for an interim period of time. The act enables me to appoint a council for a period up to a number of years, and so in this circumstance we have appointed a council for an interim period. I might look to officials to talk through some of the technical elements of that. This is an issue that was discussed with the standing committee in their inquiry, but in terms of the technical elements, in terms of where it sits within the act.

**THE CHAIR:** Is it Mr Rutledge that we are going to on that?

**Mr Rutledge:** Yes.

**THE CHAIR:** I am wondering also if legal advice was sought on this?

**Ms Vassarotti:** Yes. Yes, it was.

**THE CHAIR:** Is it possible to table that legal advice?

**Mr Rutledge:** It is not normal that we table legal advice, Mr Parton. We are happy to, if you will, take it on notice so that I can represent back to you the context and the key elements of the legal advice, but I think the ACT Government Solicitor has a longstanding policy of not sharing or tabling legal advice. I can certainly assure you, and through on notice assure the committee that, as the Minister said, what the Minister did is to signal to the community that the Heritage Council, as appointed by her, was one that was going to be there for an interim period while we were doing this period of reform and whilst the government was considering whether or not the Heritage Council remained fit for purpose.

There was an end to the Heritage Council. The appointment of the members from whom we had great interest and a great set of nominees, the Minister appointed them. She made clear in her appointment that they were there for an interim time. Similarly as the former council were able to reapply, the interim council will be able to apply for any future council. But to signal that we are in a time of reform, the Minister named them an interim council. By law the Heritage Council is the Heritage Council with the full statute power of a heritage council, but I think the use of the term interim was to signal the time and to signal that we were in a period of reform and change.

**THE CHAIR:** In regard to the legal advice, I want to know who makes the decision that legal advice is not tabled. It is not commercial in confidence. It is not related to an ongoing legal matter. Why is it not possible for that advice to be tabled?

**Mr Rutledge:** Mr Parton, I will take further advice from the ACT Government Solicitor. It is my understanding that the sharing of legal advice immediately evaporates any legal privilege, so it is just a general rule or a policy. I am sure that if I ask the ACT Government Solicitor he would be able to remind me of all the many reasons why we do not do that. As I said, I can assure the committee and on notice that we will put in writing as best as I can. I think going to the premise of your question, it is really just a plain letter law reading of the act that we have something called a heritage council. The Minister indicated it was for an interim period. For ease of explanation to the community while we are in this period of reform, we refer to it as an interim heritage council.

**THE CHAIR:** Looking at that interim heritage council, four out of six appointments, including the chair, are experts in architecture, with the remaining two appointments under section 17(4) of the act being experts in archaeology. There appears to be no appointments under that section with specified expertise in Aboriginal history, in engineering, in history other than Aboriginal history, in object conservation, or in town planning and urban design, as required by the act. I am trying to get an

understanding as to why there are such significant gaps in the expertise of the interim council, which is in contradiction to the requirements of the act. Do you have concerns about the impact on the credibility or the capacity of the interim council based on, I do not want to say, a narrow field of expertise, because I think it is a solid field of expertise, but I am not sure that it covers all of the areas that it should.

**Ms Vassarotti:** I think that is an interesting interpretation. In relation to the level of expertise of the council, we have had extremely positive feedback in terms of the level of expertise of members of the council from a wide range of professional areas. It has not been put to us that we have major gaps that are contrary to the act. Certainly there are members in the council, and I would particularly point to the member that was appointed under the community area, who have expertise in First Nations heritage.

I would put on the table, and this is an issue that I have talked about with the chair and the rest of the council, that there is a gap in terms of traditional custodians of Ngunnawal country. This is an issue that we really grappled with because we did not get nominations for council representation. This is an issue that I have also raised with groups such as the Dhawura Ngunnawal Caring for Country Committee. In the statement of expectations I have given to the council, the issue of First Nations heritage is one of the key priorities, particularly as we work through this interim period of an area where I think there are opportunities for us to improve our practice.

I think not just here in the ACT but across the country there has been a tendency for quite a lot of focus to be put on non-Indigenous heritage matters, and as we go through this reform period, it is something that we are certainly really keen to address. So I would not necessarily accept your proposition that the current council does not have clear expertise—

**THE CHAIR:** Thank you, Minister. It is a short session. I have got a lot of questions I could ask there but I will move on. Ms Clay.

**MS CLAY:** Thank you, Chair. Minister, your opening statement says you have given the interim council a clear set of expectations and a statement of requirements. Can you tell me what the top priorities are in that statement of requirements that you have given them?

**Ms Vassarotti:** In relation to the statement of expectations that I have provided to the council, just to give you a bit of context, I have provided it in draft form because I did want to get some feedback from the council in terms of that, and once we finalise—very, very shortly—it will become a notifiable instrument, so will be publicly available.

As I noted, there are some really key priorities: First Nations engagement is a key priority in relation to that; really working on the communication with me as minister and with the government; and looking at ensuring the council, in terms of its policies and procedures, is fit for purpose. And we are keen for the council to engage in the issue of sustainability and how the issues of climate change, sustainability and liveability in this city—how the council engages with that issue. I know that is something that has come up in the inquiry and is an area of significant tension across the community at times, in terms of heritage listing and heritage requirement. They

are some of the priority areas.

I think there is also, importantly, working more closely with stakeholders and community engagement, so people understand heritage—that people are excited about heritage—rather than seeing it as a barrier; and how we see how heritage fits into our evolving city. In addition, we have asked the council, and they are working closely with the Heritage Unit, how we ensure efficient and effective processes so we can move through a very significant workload for both the council and—

**MS CLAY:** Thank you. We have a short session, and this could be a long discussion, so I will try to be concise. The statement of requirements: I am looking forward to seeing that when it is notified. Do you give them a steer on what they should do? For instance, when you say you have put in First Nations, are you giving them a steer as to whether they should incorporate that one? When you have said sustainability, are you giving them a steer that you think sustainability requirements should be easier to meet, or are you just saying, “This is a topic of area that needs your attention, Heritage Council?”

**Ms Vassarotti:** I can give you a little bit of a flavour if that helps.

**MS CLAY:** Yes.

**Ms Vassarotti:** In terms of First Nations engagement, what I have noted is that it is a key priority for government to protect and conserve Aboriginal cultural heritage and places through the active engagement of First Nations heritage in a way that harmonises the needs of our growing city. So my expectations are that the council will continue to engage with representative Aboriginal organisations and other Aboriginal groups to ensure that heritage policies and decisions sensitively, genuinely and meaningfully consider Aboriginal history and culture. That is just a flavour of the nature of the expectations.

**Mr Rutledge:** Ms Clay, if I could add: just even the presence of the statement of expectations is probably a new transparency and accountability measure. I think many other statutory agencies have that sort of statement of expectations or the minister’s expectations. The Heritage Act has not had that in the past, so I think this is, again, a new way of doing things. Making that publicly available either through a notifiable instrument or through other measures—we will work out how to land that. But I think it is good that, as a statutory authority or a statutory council, they understand the expectations of the minister. They are not demands. It is still an independent body, but I think some of the, I suppose, disconnect that has existed in the past will be rightsized by this. I think it is something that—not pre-empting the future in full—is the sort of thing we might build into heritage reforms so that there is always a clear expectation from the minister to the council, so that they have a steer of where the government is and what the new and emerging issues are. I think it is a nice accountability measure that the minister has put forward.

**MR PETTERSSON:** Was there funding in the last budget for a new heritage council database and website?

**Ms Vassarotti:** My recollection is that initial work was funded in the 2021—

**Mr Rutledge:** Yes, 2020-2021.

**Ms Vassarotti:** Yes. Some initial scoping work was done through that budget, but it has been a phased project, so this budget provides funding to continue that work. The development of a heritage database is actually a significant project. It is a really important project. As well as deliver significant efficiencies for the unit, it will also make it much easier for the public to understand what is on the heritage register and what the implications of a registration are. It is a significant project. It is a resource-intensive project, so we have been doing it on a phased basis.

**MR PETTERSSON:** Do you have a time line, looking forward, to when we can expect the website and database to be done?

**Ms Vassarotti:** Yes, that is a really good question. Because of some of the complexities, I might look to—I am not quite sure which official it will be.

**Mr Rutledge:** I think we are still in that scoping stage. I think what we have done is a needs assessment and now we are looking at what other heritage units in other state and local jurisdictions are using, to try to work that out. I think we have additional funding in the 2023-24 budget. We would be hopeful to get a minimum viable product—I think is the software term—operating in this financial year. But I am always less optimistic when we are talking ICT than maybe some others, so I think we will aim to get something operating probably towards either the end of this financial year or early in the next financial year. At the moment we are looking very closely at a couple of vendors, and we are not at full procurement yet.

**Ms Vassarotti:** I think one of the key challenges is how we digitise and make accessible information that we have in paper form right now. That is a key element. I think the task, moving forward, will be much easier, but it is really engaging with the extraordinary amount of information that we have, most of which is in paper form rather than digitised form.

**THE CHAIR:** Minister, in April this year the ACT government apologised to the Ngambri people for failing to recognise them as traditional custodians. I understand that as a consequence of that change of position, as we move forward, some arrangements and some of the ways that we deal with things will be changed; but that there is a process that we are going through in regard to addressing that. I am wondering if you are able to speak to how that is going to change things in your portfolio space. What changes have been made, if any, to date to include the Ngambri people in matters relating to Indigenous heritage?

**Ms Vassarotti:** As a result of the settlement around the Supreme Court matter, there were a number of steps that the ACT government made. Primarily, the apology was around the hurt that was caused around the implementation of the protocol. The interim protocol continues to recognise Ngunnawal people as the traditional custodians of this country, recognises other families that might have a connection to this country and has committed to a process in which we look at the arrangements we have in place.

In relation to the Heritage Act, we have registered Aboriginal organisations that are identified as part of that process. We currently have four Aboriginal organisations identified under the act, including family groups across a range of family groups, including one registered Aboriginal organisation that has representatives of one of the parties within the Supreme Court matter.

In relation to the work that we are doing around the heritage review, how we manage the issue of First Nations heritage—and particularly what the implications of what that might mean for the registered Aboriginal organisations process—continues to be a key process. It is a really complex process—

**THE CHAIR:** And it is delicate.

**Ms Vassarotti:** It is extraordinarily delicate because it fundamentally goes to the question of who speaks for country, and government is very hesitant in us making that call. So this is an area that is a priority of the review process. We are already engaging with registered Aboriginal organisations around the process, and certainly it has been identified through the review as a key issue. It is going to take time to resolve, but it is a priority issue.

I think there are real opportunities, actually. I think how we manage heritage is potentially a practical way of us working through some of these issues. But it is complex, and we want to make sure that we are not causing more harm in terms of working through it. It has meant that, particularly in engaging with the potential for new registered Aboriginal organisations, it has been very difficult over the last period and we need to find a pathway through that. We do not have all the answers yet.

**THE CHAIR:** No, and I understand that. I appreciate the answer and I appreciate the complexity. I think probably one of the most important things that you have said there is that, as we move forward, the last thing in the world that anyone wants to do is to actually cause more harm, and to be mindful of the fact that the announcement in April was not the end. There is a lot more to come here, yes. So I will stay out of that in the context of this hearing.

**MS CLAY:** Minister, over the years, quite a lot of the complaints about the heritage system are about the length of time it takes to process an application for listing and the length of time it takes for the Heritage Unit to go back and forth on approvals. Can you tell me what measures we have in the budget to improve the efficiency of this? What is the funding that we have there?

**Ms Vassarotti:** I am certainly very cognisant of the fact that there have been complaints around the time frames. I think they have been very legitimate complaints. We have seen a significant increase in the number of applications. I think I am on the record before, even in previous hearings, of saying that there have been unacceptable time frames. So we have provided more resources within this year's budget to deal with some of the backlog and to ensure we can put more systems and processes in place for that to be more efficient. I might look to Mr Jeffress.

**Mr Rutledge:** Ms Russell has probably the most up-to-date information on that. But, in the first instance, Ms Clay as you know, in previous hearings we have talked of

how we have redeployed internal officers to that. I think that has been recognised now. The best thing is we recognise it in this year's budget and additional funding has been placed in this year's budget to assist with that. As Mr Pettersson has already asked about the heritage database, it is going to be the critical business improvement I see coming forward. So, at the moment we have added staff to get the numbers down. The interim council continues to work hard as well, which is great. I feel the business improvement of an accessible, workable business improvement process around the database will actually save additional time. I think, Ms Russell, if a resident rang today, what is the sort of expected time frame?

**Ms Russell:** I can expand on that. At the moment, we do still have quite a high work program but we are making progress with those additional resources in responsiveness. Since January, approximately half of all private queries have been responded to within 30 working days. So, we are providing that response in an improved time frame. There are some owners still waiting four to six months and in a few rare instances, potentially beyond six months, but the vast majority of advice is now being issued within 30 working days.

**MS CLAY:** Can you tell me when you say they are responded to within 30 working days, do you mean responded to and resolved? Or do you mean an initial acknowledgement?

**Ms Russell:** Often the advice is on the substance of the matter. That could be an endorsement. If amendments or further information is required to comply with the heritage requirements, we will work through that process with owners and their representatives. Often where we do request amendments, we do try to respond to that in a very short period of time. So, within a number of weeks where we receive further information or amendments.

**MS CLAY:** How many new staff are there?

**Mr Rutledge:** Ms Clay, we put on a senior officer grade B and an ASO6 conservation officer, in addition. The other thing is—

**MS CLAY:** That is quite senior, actually, for ACT government. Yes, interesting.

**Mr Rutledge:** Yes, in this area. These are new senior appointments to the team. We have also put in \$100,000 roughly to GML Heritage. They help us with assessment services. We have seen increased use in the heritage advisory service, which we then support. That is really helping residents pre-DA and while they are still thinking about it, before they are even choosing their architect and getting those sorts of questions done. I feel we are triaging to the right place, either through the heritage service or through our increased officers for when it gets through to us. I feel we are doing better at the triaging of heritage matters. So, that was funded in the budget. Then we remain with two senior officers grade Cs on a temporary basis that we redeployed last year in response to the need for an action and activity. We are keeping them on, again on a temporary basis, while we continue down this path.

**Mr Burkevics:** Ms Clay, I know one of the areas that had been repeatedly raised in heritage as a concern is the time frame around the conservation management plans,

otherwise known as CMPs. From a peak of 18 last year that has been reduced to 10, with I think five under assessment, which is significant headway, which is great. It is reflected in the budget statements. You would have seen from the result being 70 per cent of DAs from previous years, even in the 60's. So they are making headway in terms of turning those time frames as well.

**MR PETTERSSON:** How was the Heritage Festival and are you looking to improve on it in any way?

**Ms Vassarotti:** The Heritage Festival is an unsung hero of the festival program annually. I think it is an exciting program that really does have something for everyone. We continue to look at how we can improve the program. As much as anything else, it is about letting people know about the program because every time someone goes to an event, they thoroughly enjoy it. We are excited that we have a great uptake of community members and organisations who get involved in the program. Each year we do an evaluation at the end of the program to see how we can improve and that has occurred this year. I think it is a festival that can go from strength to strength and provide something for everyone.

**THE CHAIR:** That was answered absolutely to time. On behalf of the committee, I thank Minister Vassarotti and officials for their attendance today. Witnesses have taken questions on notice. Could they please provide answers to the committee secretary within five working days of receiving the uncorrected proof transcript. Thank you.

**Short suspension.**

Appearances:

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

Chief Minister, Treasury and Economic Development Directorate

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

Johnston, Ms Trish; Executive Group Manager; Communications and Engagement

Croke, Ms Leesa, Deputy Director-General; Policy and Cabinet Division

Clapham, Mr David, Executive Branch Manager; Regional, Infrastructure, Planning and Transport

Mehrton, Mr Andrew, Executive Branch Manager; Policy and Cabinet Division

Gotts, Mr Robert, Executive Branch Manager, Wellbeing

**THE CHAIR:** In the second session for today, we will be speaking with the Chief Minister and relevant 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 you were emphatic, saying, "I will take that question on notice," so that we are all on the same page.

Can I remind the witnesses of the protections and obligations afforded by parliamentary privilege and draw attention to the privilege statement. Universally, on the voices, to get an indication of that, could you all please confirm together 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, so we will proceed to questions. Ms Leigh?

**Ms Leigh:** Thank you, Chair. As Head of Service, I would like to acknowledge the sudden passing of Dr Damian West PSM on Monday, after being diagnosed just on Friday with leukaemia. Dr West would have been appearing at these hearings today. All the witnesses here today have worked closely with Dr West. Dr West was an exemplary colleague and friend. I would like to table a statement for inclusion in the *Hansard* on behalf of the ACT public service, acknowledging the contribution of Dr Damian West PSM to the ACT public service.

**THE CHAIR:** That is extremely warranted. I would like to also indicate that it has been an exceptionally tough time for Dr West's family, but it is also a very tough time for those who were working very closely with Dr West, some of whom are with us today. We certainly understand that is the case and the thoughts of the committee are with everyone who is dealing with this very unexpected tragedy.

**Mr Barr:** Thank you. There is the statement.

*The statement read:*

Statement by the Head of Service to the Select Committee on Estimates 2023-2024 acknowledging the contribution of Dr Damian West PSM to the ACT Public Service

As Head of Service I would like to acknowledge the sudden passing of Dr Damian West PSM on Monday, 24 July 2023 and acknowledge his significant contribution to the ACT Public Service.

Dr West would have been appearing at these hearings today. All of the witnesses here today worked closely with Dr West.

Dr West had been Deputy Director-General, Office of Industrial Relations and Workforce Strategy CMTEDD, and formerly Workplace Capability and Governance, since 2020. Prior to this he held senior executive roles at Services Australia, the Australian Communications and Media Authority, the Australian Public Service Commission and the Victorian Public Service Commission where he was Deputy Public Sector Commissioner 2015-2017.

In the three years he was with the ACTPS, Dr West was instrumental in shaping ACTPS culture and workforce practices with a strong focus on education, consultation and awareness raising. He had a leading role in supporting the ACTPS during COVID-19, including through the introduction and embedding of flexible work arrangements. Post the pandemic, he progressed these reforms to the next level through the development of flexi-hubs and other contemporary whole of government inclusion and diversity, workforce safety, leadership and training policies to support the ACTPS as an employer of choice.

Dr West was passionate about the public service and was a central figure in driving workplace reforms through progressive enterprise bargaining which he saw as a way to attract and retain high quality and appropriately skilled people in an environment where they are valued and with terms and conditions that can be sustained. He made a point of 'thinking ahead of the curve' and developing a workforce that will meet community expectations in the future. He had the respect of Ministers, Directors-General and colleagues for both the strategic and practical advice and support he provided on complex industrial, WHS and employment matters.

On a personal level, Dr West was an exemplary executive leader— always positive, energetic and generous in attitude, with a quick mind and an engaging interpersonal communication style. He was a confident, articulate and intellectually rigorous public servant who walked the talk on integrity and public sector accountability. He actively invested in his own staff and built collegiate and strong working relationships with colleagues across the ACTPS and with external stakeholders.

Damian's reach across the ACTPS was extensive and he will be greatly missed. He had a genuine passion for making the ACTPS a nation-leading and safe place to work. His legacy is in the reforms he implemented and the individuals he inspired both within his immediate team and across the ACTPS.

We are all fortunate to have had such a wonderful colleague and friend.

**THE CHAIR:** Let us roll into questions. I would like to start with you, Chief Minister. I am extremely interested—I do not think I can understate my level of interest—in the

\$25 million media placement and advice contract with Universal McCann which commenced on 1 March this year for a period of three years and with an option to extend for up to 24 months. I understand that the contract shows there is a range of services to be delivered. What has been done with regard to that contract until now—what has been delivered? What is in the pipeline for the next few months? How many campaigns across the whole of government would typically be run in a calendar year or a financial year?

**Mr Barr:** I think Ms Johnston might be in a position to address those questions for you.

**Ms Johnston:** The media placement and advice services contract is a whole-of-government arrangement that CMTEDD leads the procurement on to enable all the directorates across the ACT government to access that arrangement so that we achieve the best value for money for our advertising services. What is included is that Universal McCann, on behalf of the ACT government, purchase media spots and distribute media to the media outlets on our behalf. Upon the contract commencing, they undertook a rates negotiation with us. All media outlets have a card rate, as they call it, a public rate, that they will charge people, and then, for bigger advertisers, they will negotiate a better rate. We have undertaken rate negotiations which have already resulted in significant savings on the card rate for the ACT government. That is what they have done to date. There have been a number of campaigns.

Just to further the previous point, CMTEDD does not have visibility of all of the campaigns. The media placement agency works on both campaigns and directorates will go directly to Universal McCann. We set up the structure, the contractual arrangements and the frameworks and then directorates access that service directly, so I do not have visibility of all campaigns that are undertaken across the ACT government. Another part of that contract is what we call functional advertising, which is essentially things like job ads, land release—what we call non-campaign ads. They are basically just public notice style advertisements that appear in a range of places.

I can tell you how much has gone through Universal McCann since the contract commenced. For the functional ads, \$1,715,000 worth of advertising has gone through that part of the business, and, for the campaign ads, \$2,679,000 has gone through Universal McCann since the commencement. We signed the contract in January, but they actually started work in March.

**THE CHAIR:** The numbers that you have mentioned, which are a little higher than those that appear at the moment on the Notifiable Invoices Register, still seem like a relatively low amount based on the anticipated contract. I would assume that the expenditure must ramp up during the four-year period. I would probably swing back to you, Chief Minister, because the political conspiracist in me would assume—

*Mr Barr interjecting—*

**THE CHAIR:** I do not think it is a laughing matter at all, Chief Minister. The political conspiracist in me would assume that the expenditure would ramp up dramatically in the election year. Would that be the case?

**Mr Barr:** No. I would have no basis on which to make that assumption.

**THE CHAIR:** I do have a basis, because we have started at a fairly low level. This is a big contract. This is a big war chest.

**Mr Barr:** It is over multiple years that extend beyond an election period. All government advertising above a very low threshold is subject, by legislation, to independent review. You are aware of that. Your colleague proposed the legislation and the government supported it—that there would be an independent reviewer of all government advertising, and there is. Everything must be submitted and approved by an independent reviewer. The Assembly votes on who that person is. I have to bring a motion forward. Your party agreed to that person, and they review all government advertising above a threshold. Most government advertising—the largest components—are undertaken by Visit Canberra in markets outside of the ACT.

**THE CHAIR:** I accept what you are saying, but the prior whole-of-government media buying contract from 2018 to 2023 with the Canberra based company The Tilt Agency totalled just over \$11 million over five years. I want to know what is different with this contract and why you anticipate that the media spend will more than double over a shorter or similar time frame. This is a massive number. How are Canberrans getting value for money?

**Mr Barr:** Because my understanding of the previous contract is that it did not encompass a range of advertising that was being undertaken by directorates. Ms Johnston can provide some further detail. This is a centralisation and an efficiency to save money.

**Ms Johnston:** There are two points that I could clarify. The \$11 million on the previous contracts—because there were two—was the notifiable amount against those contracts. There was lots of advertising that does not reach the notifiable threshold, which is \$25,000. When you look at what was actually spent with Tilt and NeonLogic over the course of their contractual arrangements with the ACT government, which was about the same length of time as Universal McCann, you will see it was in the \$21 million range.

Based on that figure, when we went to market we estimated that we have previously spent, for these types of arrangements and for a similar period, approximately \$21 million. Costs are increasing, so we have allowed \$25 million over five years, which is consistent with the previous contractual arrangements, which were \$30 million over six years. The total contract's expected value has not changed significantly between the two arrangements; we have just gone from two providers to one provider.

**MR CAIN:** I have some supps, when you are ready, Chair.

**THE CHAIR:** Alright. Mr Cain.

**MR CAIN:** Chief Minister, what assessment was done that led to the decision to spend \$25 million on these media services, and are you able to table that assessment

for this committee?

**Mr Barr:** I think Ms Johnston has just outlined the process, but, if there is anything further she could—

**MR CAIN:** Yes, but there must have been some documentation.

**Ms Johnston:** I can say more about the tender process, if you like.

**Mr Barr:** Certainly. Yes. Ms Johnston can assist.

**Ms Johnston:** We commenced a tender process in April 2022 and we concluded it in January 2023. We went through all the usual steps, including the ACT Government Procurement Board. We did a technical assessment, a value-for-money assessment, and an assessment of the ability to deliver the services that we wanted. There was a procurement panel that included Procurement ACT, members of my team who have expertise in advertising, and an external ACT government member. That was a very rigorous process. The ultimate reason that we go through that process is that the alternative to having someone who purchases advertising and delivers it on your behalf is that each directorate does that themselves, and there is a lot of inefficiency in that.

Universal McCann have expertise in dispatching and making sure the right type of media product goes to the right media outlet. They also have expertise in developing media plans, such as on how to effectively target for a particular grants program and wanting a particular segment of the community to understand that. They have some capability in helping us target that. The arrangement we have in place is very similar to the one the commonwealth government has in place, and Universal McCann are also the providers for the Australian public service.

**MR CAIN:** Thank you for this overview, but are you able to table the documentation that supported offering this contract?

**Ms Johnston:** The contract is on the contracts register.

**MR CAIN:** The material that was part of this assessment that led up to the contract—are you able to table that material for this committee?

**Mr Barr:** I will take on notice what we can table.

**MR CAIN:** I notice there is a 24-month extension option. I know it is early days in the terms of this contract, but would an extension expect to involve additional expenditure above the current \$25 million?

**Ms Johnston:** No. The \$25 million encompasses all the extension options.

**THE CHAIR:** Ms Castley.

**MS CASTLEY:** Can directorates engage other media or is it solely Universal McCann—that they are the only provider for all of the ACT government?

**Ms Johnston:** Universal McCann are the sole provider for media planning, booking and placement. If a directorate wants to engage someone to, say, assist them to develop an advertisement, they can certainly do that, but, to actually place an ad, they need to use this arrangement because that is how we get the efficiencies. Everybody needs to use it.

**MS CASTLEY:** I might be answering my own question. How does the contractor intersect with the communications and engagement section of CMTEDD, if at all?

**Ms Johnston:** We are responsible for the procurement and the framework. We have undertaken the procurement process to bring on Universal McCann. We set the framework of how to do that. We do the contract management with Universal McCann on behalf of the ACT government. But, in terms of an individual advertising campaign, a directorate would work directly with them, because obviously the directorate understands best its subject matter and who it is trying to target, so CMTEDD does not need to be a middle person in that arrangement. For the actual development of a media strategy, they will work directly with a directorate.

**MS CASTLEY:** The Chief Minister or anyone else could answer: how will you know if this engagement has been a success? I note that KPIs in the contract seem to be about submitting reports on time and attending meetings. Those are more related to outputs than outcomes. I assume the primary purpose of the contract is to get appropriate government messaging effectively out to Canberra, so why are there not outcomes based KPIs relating to more effectively getting the message out?

**Ms Johnston:** There are two answers I would give to that. Firstly, in terms of Universal McCann's performance, there is an annual satisfaction survey that we do with directorates to understand whether the service is being delivered effectively and to make any appropriate adjustments. In terms of individual campaigns, each directorate is responsible for evaluating its campaign outcome. Universal McCann will give you an evaluation that says, "You wanted to reach people 18 years old and we said that they would see an ad five times." They will tell you about the frequency and the effectiveness of the media buy, but they will not tell you whether the people took the message and understood it. It is the responsibility of directorates to have evaluation processes in place to make sure that their campaigns are achieving the outcomes that they hope for.

**THE CHAIR:** I want to close with one supplementary on this. You have talked about digital analytics and reaching people 18 years of age and above. I spent a long time working in mainstream media and also in managing a digital media company, so I have a full understanding of the level of digital analytics that these companies are capable of and that they would analyse. I am going to swing back to you, Chief Minister, because I want to ask you specifically: what checks and balances do cabinet ministers, including you, and their staff have in place to ensure that the information or insights, the analytics, that are gathered through this contract—I am talking particularly about digital and data analytics—will not be used for political campaign purposes? I understand, because you have already spoken about the independent reviewer who was a statutory appointee, but, realistically speaking, what is stopping you, Chief Minister, or your staff from either intentionally or

unintentionally carrying knowledge across to your election campaign? Will the reviewer be asked to review expenditure on digital analytics and how any resulting reports or insights are handled and who has access to them?

**Mr Barr:** The ACT government also runs the YourSay panel. We publish that information or we report back on the results of research. The research outcomes are often presented in the budget papers or in annual reports. Everyone has access to them. The information that is gathered through government campaigns is often of zero political value, and political parties undertake their own research. The Liberal Party does that, I know. I am polled by the Liberal Party quite frequently, ironically.

**THE CHAIR:** We do not have a \$25 million contract, though, to undertake that research.

**Mr Barr:** Neither does the ACT government. There is not a \$25 million—

**THE CHAIR:** You do. We are talking about it now.

**Mr Barr:** It is not a \$25 million contract to undertake research, as you have just heard.

**THE CHAIR:** What checks and balances are in place to ensure that the information or the insights gathered in that digital and data analytics space is not just transferred to political campaigning?

**Mr Barr:** The nature of the information that government directorates obtain for their advertising is not political in nature.

**THE CHAIR:** We will probably agree to disagree on that, but we have spent enough time on it.

**MS CLAY:** Chief Minister, you have responsibility for enterprise bargaining. Can I ask you a question about the transport enterprise bargaining policy approach?

**Mr Barr:** That is one for Minister Steel as minister for transport.

**MS CLAY:** I thought you might say that, which is why I checked. Chair, can I ask a different question?

**THE CHAIR:** Of course you can.

**MS CLAY:** Thank you. Chief Minister, you also have cross-border responsibility.

**Mr Barr:** Yes.

**MS CLAY:** You are on safer ground. Can you tell me what work you are doing to make sure we have better train connections from the ACT into New South Wales?

**Mr Barr:** Yes. I have met with the new South Wales transport minister, continuing discussions that I have been having with the New South Wales government and the commonwealth government in relation to the Canberra-Sydney rail corridor. The

New South Wales government, together with the commonwealth government, through the Australian Rail Track Corporation, have ownership of the track—bits of it by New South Wales, bits of it by the commonwealth, frustratingly—and the New South Wales government owns the rolling stock and owns Canberra Railway Station. They are a principal partner in any improvement to the Canberra-Sydney rail service.

The previous New South Wales government undertook a procurement process to procure new trains for their country New South Wales services. That would include the services that run through the Southern Highlands and on to Goulburn, Queanbeyan and Canberra. Regrettably, there have been some delays with that procurement, as I understand it. The trains were expected this year. They have been delayed. The new South Wales government is endeavouring to work through the mess that they were left by the previous government and have commissioned, as I understand it, a review of various transport projects and policies in New South Wales.

I have certainly put the case to the new South Wales government that the Canberra-Sydney rail service has a strong level of demand. I understand that there are a couple of hundred thousand passengers a year and that the current three daily services, even though they are somewhat slower in time than it would take to drive or catch the bus, are still a popular form of transportation between Canberra—

**MS CLAY:** People like it. It is pleasant.

**Mr Barr:** Yes. It could be more pleasant in a new train and would be a quicker journey if there were some investment in the track itself and some further signalling work. One of the challenges is that the element of the line that is owned by the commonwealth also serves a freight purpose, so it can often be the case that the passenger train is caught behind a slower-moving freight train. There are then challenges, as I understand it, once the Canberra train reaches the Sydney suburban network, and then it is again operating on some of the same lines as suburban Sydney trains.

On a previous engagement, I caught the train and sat at the front with the driver to get a sense of what was stopping the current train from going faster. Partly it was the track and partly it was the fact that he would run up the back of another train because of the level of congestion on the network. We are very keen to improve this transport connection, but, in reality we require the New South Wales government and the commonwealth government to come to the table to assist us in that.

I have also been speaking with the commonwealth infrastructure minister, Catherine King, who has responsibility for transport in relation to this project, as well as my colleagues across the border in the Queanbeyan-Palerang Council, the federal member for Eden-Monaro, Kristy McBain, and I have in the past also raised it with some of the mayors along the journey—the Mayor of Goulburn and some of the Southern Highlands local government associations. It would be fair to say that there is a strong desire among local government for this service to be improved.

The territory government partnered with the New South Wales government to submit the Canberra-Sydney rail corridor as part of the previous commonwealth

government's faster rail program. The previous government made a decision to prioritise the Sydney-Newcastle service and corridor ahead of the Sydney-Canberra corridor but did indicate that Sydney-Canberra was a corridor worthy of further examination. We missed out on being a No. 1 priority because of, I believe, the level of population and usage of the Sydney-Central Coast-Newcastle rail corridor. However, in our favour is that that is quite a complicated project, with a lot of bridging and tunnels. Ours is a little bit more straightforward. This continues to be a project that is part of our cross-border engagement with our local government colleagues and is one that will feature as part of the new National Capital Investment Framework.

**MS CLAY:** Thank you, Chief Minister.

**THE CHAIR:** Mr Pettersson.

**MR PETTERSSON:** Chief Minister, I was hoping the committee could get an update on national cabinet reform priorities.

**Mr Barr:** Certainly. National cabinet's last meeting was in late April and it agreed to a number of policy priorities—first and foremost, making health care more accessible and affordable, and then a focus on housing and planning. The health focus is around a shared vision for a patient centred sustainable Australian healthcare system that delivers the best outcomes for the community. National cabinet signed up to a range of strengthening Medicare measures, including supporting workforces to work at top of scope, and that extended to pharmacists and paramedics; expanding the nursing workforce to improve access to primary care; improving access to and delivery of after-hours primary care; the introduction of a MyMedicare service to provide a wraparound care service for patients registered with their local GP, through a range of what are being described as blended payment models; providing flexibility for multidisciplinary team based primary health care models; and investing in digital health to improve health outcomes.

The commonwealth put \$2.2 billion on the table to address some of the immediate challenges in primary care. The principal focus is to take pressure off the hospital system and to lay down the foundations for long-term Medicare reform. The national cabinet also endorsed the independent review of overseas health practitioner regulatory settings as a way of addressing some of the challenges in workforce. The national cabinet tasked health ministers to progress these recommendations and to report back to national cabinet. National cabinet agreed that there would be a dedicated meeting of national cabinet on health reform in the second half of 2023.

We also agreed to a range of reforms to support the growth of cities, towns and suburbs, including that housing ministers would develop a proposal for national cabinet, again in the second half of 2023, outlining reforms to strengthen renters' rights. As part of the new national migration strategy, the commonwealth committed to ensuring states and territories would have a greater contribution to our national migration settings to ensure that migration met local needs.

The commonwealth also announced the commencement of a review of its Infrastructure Investment Program—and we have discussed this over the last couple

of days—and states and territories agreed to support that review. States and territories have also agreed to work with the commonwealth to support a more sustainable infrastructure pipeline, and the commonwealth have indicated that it is their expectation that their infrastructure program will be in the order of \$120 billion over the next 10 years to provide certainty to states and territories and the market.

Within the next six months, planning ministers have been tasked to develop a proposal to national cabinet outlining reforms to increase housing supply and affordability. I think colleagues would be aware that we are well underway on that particular project, and the Assembly will make its decisions in relation to that, I presume this year or early next. The commonwealth also agreed to establish a partnership with state and territory governments via the National Urban Policy, and the local manifestation of that is the National Capital Investment Framework that was recently announced.

The commonwealth have also made some announcements in relation to the migration system associated with expanding pathways for permanent residents; sponsoring skilled workers—again, things we have been talking about over the last couple of days; and making a continued investment in a pipeline of new social and affordable housing dwellings, including through the delivery of the Housing Australia Future Fund, should the Senate finally pass it, and then expanding the capacity of the Affordable Housing Bond Aggregator by expanding the cap to \$2 billion.

It also offered a range of incentives to increase the supply of housing by increasing the depreciation rate for new build-to-rent projects when construction commences after May this year and reducing the withholding tax rate on managed investment trusts to enable them to invest in build-to-rent properties. That will kick in after 1 July 2024 and will lower the rate from 30 per cent to 15 per cent. What this means is that there is a coordinated effort across the commonwealth, states and territories and in jurisdictions outside the ACT, and also local government, to address housing supply and housing affordability.

Just very briefly, first ministers also, through national cabinet, committed to the NDIS Financial Sustainability Framework and were tasked some further work to come back to national cabinet to ensure a sustainable NDIS into the future. We made some further commitments in relation to long-term skills reform and tasked skills ministers to finalise the new five-year National Skills Agreement, which Minister Steel advises me is progressing well, with the expectation that we will be able to finalise that agreement soon.

National cabinet also discussed how to support regions exposed to socioeconomic changes associated with the net-zero transformation. That is perhaps more relevant in the big fossil-fuel energy generating communities than it is in the ACT, but, nevertheless, it is important that there is that national focus.

We also discussed the development of a national strategy for the care-and-support economy, which is very relevant to the ACT. We agreed to the first tranche of reforms to streamline worker screening, improve worker safety, and grow the Aboriginal and Torres Strait Islander care and support workforce. Finally, we re-affirmed our statement of intent in relation to there being unanimous support from all state and

territory leaders for constitutional recognition of Aboriginal and Torres Strait Islander people, and to listen to them to achieve practical outcomes to close the gap.

In summary, it is a very big national cabinet agenda. The decisions that are taken flow through and have local implications in this place and are relevant. I would hope colleagues are following these national discussions because that would give some perspective and sense to why certain issues are being prioritised through the territory parliament this calendar year.

**MR PETTERSSON:** Thank you. That was very comprehensive. What do you see as the role of the ACT sitting in national cabinet?

**Mr Barr:** We are in a unique position to be a first mover on many of the national policy reforms, because of our streamlined governance, particularly as it relates to the planning and housing supply issues, because we do not need to negotiate with potentially hundreds of local government bodies, as some of the larger states are. The ACT has an opportunity to pilot some of the new programs that are being proposed as part of the health reform area and strengthening Medicare. There are some fantastic opportunities for us to work with the commonwealth.

Our biggest challenge in the hospital system is the collapse of primary health care over the last decade. That is what is putting pressure on the acute end of the health system. We have recognition from the commonwealth that this is the major area of health policy and reform. This is the most cost-effective way to improve health outcomes and it is the best for patients, because, if you can have a more functional primary healthcare system, then you can prevent illness in the first place. We will be very keen to partner with the commonwealth, particularly in the context of the multidisciplinary team based approaches, to look at the intersection of our existing community based health services, like the nurse-led walk in centres, with some of the primary healthcare reforms the commonwealth are implementing. The process around the urgent care clinic for the ACT is one such practical example of the territory working with the commonwealth.

I guess that, these days, Premier Andrews, Premier Palaszczuk and I are the veterans of national cabinet. The three of us have, I think, been around the longest now of all the members. There has been considerable turnover in national cabinet since its inception. There are benefits, clearly, for the ACT in having been engaged throughout the history of national cabinet.

**MR PETTERSSON:** Thank you.

**THE CHAIR:** Thank you, Mr Pettersson. You have a supplementary, Ms Castley?

**MS CASTLEY:** Chief Minister, you talked about health reform and initiative. I am wondering what your thoughts are. The RACGP talked about the tax on GPs. They called it the “sick tax”. With the reforms that you are talking about, how do you feel about the \$15 additional cost to the GP clinic keeping people out of hospital? As you said, that is what the idea is.

**Mr Barr:** That claim has already been discredited. Having met with the people who

made that claim, they were basing that on an assumption that, if a payroll tax payer went over the \$2 million payroll tax threshold, they paid payroll tax on their entire payroll. They misunderstood how the tax system works. That claim has been thoroughly debunked and is incorrect. There has been no change to the application of payroll tax in the ACT.

There are some specific individual cases in other jurisdictions, but we have not changed the law, nor have we changed the application of payroll tax. There are a small number of very large GP practices in the ACT that were previously paying payroll tax because of their administrative arrangements and the size of their payroll, but the overwhelming majority of GP practices in the ACT do not have a payroll above the \$2 million threshold and are not subject to payroll tax, and could not in any way have a \$15 tax surcharge on top of their bills. It is not allowed under various interstate agreements anyway.

You cannot falsely put a tax on top when you are not paying that tax and seek to blame a level of government and increase your fees and charges by falsely claiming that you are collecting a tax on behalf of the government. That is illegal and in breach of many national competition policy laws and consumer laws. So I would strongly encourage that GP organisation. I have met with them and talked them through this. They now understand and they should publicly withdraw that \$15 claim. It is absurd, incorrect and should never have been made.

**MS CASTLEY:** Could I follow up, then. Have you done modelling on the impact on the businesses that will have to pay this and what the cost will be?

**Mr Barr:** There is no change in our payroll tax laws in the ACT.

**MS CASTLEY:** No change?

**Mr Barr:** No change.

**MS CASTLEY:** You heard it here first.

**THE CHAIR:** Thank you, Ms Castley. Mr Cain.

**MR CAIN:** Thank you, Chair. Chief Minister, I have a few questions about the Public Sector Standards Commissioner. Could you inform the committee: how is that office funded? Does it have a separate budget allocation?

**Mr Barr:** Yes; it does. Ms Leigh will be able to talk to that.

**Ms Leigh:** The Public Sector Standards Commissioner is a separate statutory office. The person appointed is not a public servant. They are an independent statutory officeholder. They operate, therefore, independently. They determine their own priorities in the application of their resources. Of course, we are a small public service, and across the service we operate in a way that gets the best value for our resources. Across the service, organisations provide whatever support the Public Sector Standards Commissioner needs to be as efficient and effective as possible.

**MR CAIN:** What is the budget allocation for his functions?

**Ms Leigh:** If I may, I will come back a little later in this hearing with that exact amount for you.

**MR CAIN:** Thank you. I notice that the current CMTEDD organisational chart, dated 10 July, shows that the commissioner's reporting line is to the head of service. Could you explain why that is, given what you have just said?

**Ms Leigh:** That is simply an administrative matter rather than a matter of substance. As I have said, across our public service, because we are such a small service, we operate in the most efficient way possible. But, in terms of the content of the work of the Public Sector Standards Commissioner, he is absolutely independent.

**MR CAIN:** Who controls the resources that are available to the commissioner?

**Ms Leigh:** They are allocated to the commissioner to operate. Again, I will take that on notice and come back with the details for you.

**MR CAIN:** It would seem to be that you, as head of service, allocate the resources that the commissioner requires for his functions. Is that correct?

**Ms Leigh:** I think, Mr Cain, you will find that the commissioner has no concern about the resources available to him. I cannot speak for the commissioner, but I would be confident in knowing that, if he had any concerns about that, he would have raised them with me and he has not.

**MR CAIN:** Are we able to get something from the commissioner to this committee to endorse what you have just said?

**Mr Barr:** Sure. We will seek that advice from the commissioner.

**MR CAIN:** I have a few other supps, if that is okay, Chair.

**THE CHAIR:** If they are well and truly within the line of the initial question, Mr Cain.

**MR CAIN:** Indeed, as I do. Chief Minister, how often do you meet with the commissioner? Do you hold regular meetings or are they on an ad hoc basis?

**Mr Barr:** I do not have a regular scheduled meeting with the commissioner.

**MR CAIN:** When was the last time you met with the commissioner?

**Mr Barr:** In most instances, his work is at complete arm's length from anything to do with me. I would engage with him as part of annual reports and as part of estimates. I would see him several times a year, but I do not have a scheduled meeting with him because he is at arm's length of the political process. If he has anything he needs to raise that is relevant to my responsibilities, he is free to do so, but he has not.

**MR CAIN:** He does report to you?

**Mr Barr:** He reports to the Assembly via an annual report through me, but I am not his boss.

**MR CAIN:** In what way does he report to you? His website does seem to suggest that he provides advice to the Chief Minister about matters arising from an investigation conducted via the commissioner. When was the last time that happened?

**Mr Barr:** I do not think there have been, relevant to my responsibilities as an employer. They would be largely directed through the head of service because they would relate to the public service. I am not the employer, legally, for any public servant.

**MR CAIN:** It is still unclear. What is your relationship with the commissioner? If he investigates something, does he then bring you a report? What is your role in managing that report?

**Mr Barr:** He has not brought me a report in the last 12 months and he would report in accordance with the legislative framework, but his role is not to report to me specifically—only when relevant.

**MR CAIN:** What was the last report or advice or output from the commissioner that you are aware of?

**Ms Leigh:** Mr Cain, perhaps I could assist with that. As the Chief Minister has said, the staff of the public service are accountable only to me as head of service. The commissioner provides regular reports to me which I provide to a strategic board. The commissioner attends the strategic board on a periodic basis, and, when he does that, he does that to provide us with systemic advice about issues that have been identified so that we can ensure that we are constantly looking to improve the performance of our service. He provides public reports, as the Chief Minister has said, that are available to all, so that there is a completely open process on the role and engagements of the commissioner.

In terms of individual complaints, there is a whole process under the Public Sector Management Act as to how complaints that are investigated under the authority of the Public Sector Standards Commissioner are handled, should they be found to have any substance. The details of the number of such investigations and outcomes are all in the publicly available annual reports.

**MR CAIN:** I have just a couple of subs, if that is okay, Chair.

**THE CHAIR:** This is the final question from you, Mr Cain, on this line.

**MR CAIN:** When was the last report provided to you by the commissioner? And how many have you had provided to you in his term?

**Ms Leigh:** I will bring that back to you, Mr Cain, but they are regular reports, a number per year. As I said, I then provide them to the strategic board so that all

directors-general can take advantage of any issues that are identified. The Public Sector Standards Commissioner takes a proactive approach to identify issues so that we can get ahead of them, which is, of course, what we always want to do.

**THE CHAIR:** Mr Braddock, I know you have a supplementary and I will go to you now, but I just want to suggest that, based on the evidence that has been given at this hearing today, the CMTEDD website very clearly says:

The PSS Commissioner is independent of the ACT Public Service, reporting directly to the Chief Minister.

And, based on the evidence that has been given at this hearing, I am not sure that actually lines up with the reality of what is happening on the ground.

**Ms Leigh:** If I may, Mr Parton, there is a distinction between accountability to the Chief Minister, because the Public Sector Standards Commissioner is an independent statutory officeholder appointed through the cabinet process, and the output of the work of the Public Sector Standards Commissioner, which you would hope would be taken into account and fully utilised by the public service. As we discussed earlier, I am the employer of the public service, not the Chief Minister. I am in the position to ensure that we proactively engage on any issues that the Public Sector Standards Commissioner identifies, so that, as a service, we make our employment and the performance of our service as strong as possible.

**THE CHAIR:** I would suggest, then, that the CMTEDD website is incorrect. Why would the PSSC report to you if the website very clearly says:

The PSS Commissioner is independent of the ACT Public Service, reporting directly to the Chief Minister.

**Ms Leigh:** I think it is an understanding of the preposition there. I think the reporting to, as in “accountable to”, who is the appointee and has overall accountability is different to providing reports for the use of the public service. The Public Sector Standards Commissioner is in no way accounting to me for his performance. He is providing me with information that I may use to strengthen the performance of our service.

**THE CHAIR:** He is accountable to the Chief Minister but just does not communicate with the Chief Minister.

**Ms Leigh:** There is a difference in terms of what is necessary for the effective functioning of that role. I am—

**THE CHAIR:** I am going to keep moving because I know Mr Braddock has been patient.

**MR BRADDOCK:** Thank you, Chair. Coming back to the question of resources and you were talking about the efficiency of the public service commissioner, noting the *State of the service report 2021-22* proudly proclaims that 80 per cent of investigations are completed within 86 work days and the average time of

investigation to be completed was 116 work days, is that a reasonable time frame for that work to be completed?

**Ms Leigh:** Mr Braddock, another thing that you will find, if you look back over the statistics, is that is a significant improvement on past performance. One thing that needs to be borne in mind with investigations is that one needs to provide natural justice. One needs to provide opportunities for the person being investigated to explain their circumstances and to put their perspective on the issues, and of course they have to be given time to do that. That is a significant component of the time it takes to do an investigation.

Propositions may be put to a person who is being investigated and they will then be given reasonable time to consider that and put their perspective. That would then be considered. There would be a response to that which may require the person to again provide their perspectives. Each time, as you would expect, the person has to be given time to do that in a fair and proper way. That is something that is often not understood when one looks at the amount of time that such an investigation takes.

**MR BRADDOCK:** So 17 weeks is about appropriate in terms of the time frame to complete that process?

**Ms Leigh:** Of course, we would all like it to be as quick as possible. That is in the interests of everyone involved, but, as I said, you need to take things into account. If we are going to get the best outcome, and we would all want the outcome to be accurate, having taken all the circumstances into account, we would all want the person who is being investigated to be able to best represent their position so that we really do get valuable outcomes from these processes. It is not hard to get to that amount of time when you have to go back and forth with somebody and give them the opportunity, and then you have to follow up what they say and consider whether it is reasonable. It is not that, with that amount of time, somebody is just sitting at a desk looking at the issue; it is an active process. As I say, it is in everyone's interests for it to move along as promptly as possible and we will continue to strive to do that. We have achieved a considerable decrease in the amount of time, if you look back over past years.

**MR BRADDOCK:** Thank you.

**THE CHAIR:** Ms Castley, we are up to you for a substantive.

**MS CASTLEY:** Thank you, Chair. Chief Minister, I have some questions about the wellbeing dashboard. In March 2020, in the foreword to the government's Wellbeing Framework you said:

Having a set of wellbeing indicators will help us zero in on where we need to invest more of our time, energy and creativity ...

You also issued a press release which said:

Our performance across the 12 domains will be measured by a range of indicators that the Canberra community told us are important measures of their wellbeing.

The ACT Wellbeing Framework will inform Government priorities, policies and investment decision—including through future annual Budget processes.

Could you give me an example of one policy or initiative from the 2023-24 budget which was informed by data from the wellbeing dashboard?

**Mr Barr:** In the economy area, most of the decisions in relation to unemployment, inflation, population, and cost of living.

**MS CASTLEY:** This has come from the data of the wellbeing dashboard?

**Mr Barr:** Regarding the data in relation to the economy, there are four indicators: business conditions and economic diversity, economic performance, employment, and income inequality. We receive data monthly, quarterly, six-monthly and annually under various datasets through the ABS, so that data was drawn upon for decisions in those areas.

**MS CASTLEY:** You gave me four areas, but can you give me a specific policy with which this is—

**Mr Barr:** I will give you a list. I will take it on notice and give you a list.

**MS CASTLEY:** Thank you. How can you zero in with a range of wellbeing indicators? The indicators are years out of date on the wellbeing dashboard and some still have no data.

**Mr Barr:** There are some areas where data collection is not monthly, quarterly or even annually. We look to the most recent available data source. We are working with the Australian Bureau of Statistics and are engaging with the commonwealth, as they are shaping their wellbeing approach and are changing the nature of ABS data collection. There will be new datasets and more frequent data collection outside of, for example, the five-yearly census in a number of areas.

In this budget we have also commissioned a partnership with the ANU, building on some earlier partnerships with the University of Canberra, around being able to access datasets in some of the areas across the domains—indicators for which we currently do not have very frequent data.

**MS CASTLEY:** On the domain, “Governance and institutions” and “Trust in government” are still under development, despite promises that they would be updated in 2022. I am struggling to understand why the wellbeing dashboard seems to have such out-of-date information when there is that current information coming through.

**Mr Barr:** There will be an update later this calendar year and Ms Croke might wish to talk about that.

**Ms Croke:** We are looking to update the dashboard fully across all of the indicators in quarter 4 of 2023, so we are working on that now. About a third of the indicators is

information that we received from the University of Canberra wellbeing survey. That survey was out in the field longer than expected. As a result of that, they had about 20 per cent more recipients—more people filling in the survey—which will be a richer source of data. We got that information six or so weeks ago, so we are working through the results of that survey, and then that will help to have a complete, as much as we can, dashboard in quarter 4.

**MS CASTLEY:** The data was slower than expected. How did it actually inform your policies if it is out of date?

**Mr Barr:** There is also available data that has emerged since the beginning of the wellbeing project, through the census, and we have some other datasets that we utilise that are not part of the current datasets. We could not have two million different datasets on this dashboard. We had to really narrow it down, but that is not to say that, in business case development or assessment, we do not look at other available data sources as well.

**THE CHAIR:** Ms Castley, Chief Minister and Ms Croke, we have just clicked over 10.30 and I know that Ms Clay has some supplementaries on this, and so do I. I am going to pause on this line of questioning because we are set for our little 15-minute break. Go berserk out there for 15 minutes and come back refreshed and recharged. Thank you.

#### **Hearing suspended from 10.30 to 10.45 am.**

**THE CHAIR:** Welcome back to the public hearings of estimates 2023-24. In this session we will continue speaking with the Chief Minister and officials.

**MS CASTLEY:** Chief Minister, on Monday you said, in relation to the wellbeing framework—I am paraphrasing here—that “much of this is subjective”. You said, “Organisation X says that because its project wasn’t funded, the wellbeing indicators must not have been applied.” You said, “There is entirely likely to be a legitimate alternative view.” You said that, ultimately, often in highly subjective matters, the cabinet has to make a decision between outstanding, excellent, very good and good proposals.

Chief Minister, shouldn’t such decisions be informed by up-to-date data? I note that on the dashboard you reference that you use current census data, yet on the dashboard we are using census data from the one before. How can you actually say this dashboard is informing policy?

**Mr Barr:** The publicly accessible dashboard obviously takes time to update. That is not the data that the government uses to make decisions. We use the most recent data that we can possibly get our hands on.

**MS CASTLEY:** How much did the dashboard cost to establish, and what is the cost of running it?

**Mr Barr:** I will take those on notice for you.

**MS CASTLEY:** Thank you. I also note that earlier—on Tuesday, I think—you said you are encouraging the Australian government now, as Treasurer Chalmers is undertaking a similar process. I am wondering how on earth you are advising him. Your dashboard is out of date. It looks like it has not been updated at all. What advice are you giving to Jim Chalmers?

**Mr Barr:** The New Zealand government was the first government in our region to commence this sort of work. We engaged with them when we undertook the development of our domains and indicators. The commonwealth are engaging with the states and territories through the Council on Federal Financial Relations. At our most recent meeting, the commonwealth Treasurer outlined the process that the commonwealth was undertaking, and threw to me, as Australia's longest serving current Treasurer, to outline the process that we had engaged in, and to share with colleagues the process and some of the challenges. One of the challenges that I raised, unsurprisingly, was access to more frequent updates to data in certain areas.

**MS CASTLEY:** Mr Chalmers knows that our wellbeing dashboard is years and years out of date?

**Mr Barr:** Mr Chalmers is aware of the difficulty associated with getting more frequent datasets in some areas. That is part of the work that is being undertaken at a commonwealth level with the ABS, the states and territories on getting more frequent data, so that it is not just once every five years in the census or through the process in which we have been engaging with the universities.

We are endeavouring to have more frequent ABS data that will be available for the ACT and, through the initiative in this year's budget, with the ANU, broadening our engagement with Canberra's local universities, and building on the University of Canberra engagement, to be able to have more frequent data. But I think you must draw the distinction between what is on a public-facing website and datasets that are available to government.

**MS CASTLEY:** It is a yes, then; Mr Chalmers is aware that our data is horribly out of date?

**Mr Barr:** No, you are verballing me grievously, Ms Castley.

**MS CASTLEY:** Chief Minister, data from the ABS comes out regularly, and your dashboard does not have that current data on its dashboard.

**Mr Barr:** We have outlined the process for updating data on that dashboard.

**THE CHAIR:** Let us keep things moving because I know Ms Clay has some questions on this.

**MS CLAY:** I do. Chief Minister, we heard about some of the data sources—the UC survey data, the ABS data and some ANU data. Could we get, on notice, the data sources that you are using in this?

**Mr Barr:** Sure. Yes, we can.

**MS CLAY:** Thank you.

**THE CHAIR:** Mr Braddock, thank you for your patience. We are going to you, finally, for a substantive.

**MR BRADDOCK:** Thank you. The Emergency Services Agency executive leadership review described behaviours by executives that were inconsistent with ACTPS values and described behaviours such as bullying, blaming and undermining each other. I am interested in the role of the Public Sector Standards Commissioner in terms of addressing these instances of behaviour which have been reported. From what I understand, no action has yet been taken.

**Ms Leigh:** Mr Braddock, the particular matter that you are discussing was the subject of a review which has been discussed publicly. It is a matter of what is a useful way to take forward particular matters. We all want to ensure that we are getting the best outcomes possible.

I cannot talk about any individual investigations that the Public Sector Standards Commissioner might undertake. In terms of the broader question that you are asking, the way that that issue has been addressed is through that review. That review has reported. It has a series of recommendations. Those recommendations have been broadly accepted. The head of the Justice and Community Safety Directorate will ensure the implementation of those responses and will be reporting regularly to the government on that implementation.

The answer regarding the concerns you are raising is that they have been absolutely addressed. Ways of responding to them have been identified. Those ways have been accepted, and the steps are now underway to implement those measures and to ensure that that is an ongoing process.

**MR BRADDOCK:** Those measures you refer to address some of the cultural concerns. I am asking about senior officers and whether they are accountable for where their behaviour does not meet the ACTPS values or the expected levels of behaviour.

**Ms Leigh:** The short answer to that is, of course, yes. There are many mechanisms. The public sector standards management legislation provides mechanisms for doing that. Those mechanisms are always followed appropriately and acted upon.

**MR CAIN:** As an example, Chief Minister, of an investigation—the Head of Service might do this—could you outline the big moments? What was the progression of the investigation? When was the report finalised? Was there a draft provided to someone? Who approved it, if any approval was needed? Can you highlight the big moments in this investigation?

**Mr Barr:** This was an investigation commissioned by the Justice and Community Safety Directorate, so I will take on notice those questions on their behalf and get that information for the committee.

**MR CAIN:** Obviously, the Head of Service would have been involved.

**Ms Leigh:** The ESA commissioner is an appointment by the head of the Justice and Community Safety Directorate., who took the lead on that matter. I am happy to support the chief in taking that on notice to provide the details you are requesting.

**MR CAIN:** I note that. What was your involvement, Head of Service?

**Ms Leigh:** The Director-General of the Justice and Community Safety Directorate took the lead on that matter, Mr Cain.

**MR CAIN:** Did you have any involvement at all?

**Ms Leigh:** I was, of course, aware of the issues, but the Director-General of Justice and Community Safety was the appropriate person to be taking the lead, and I was confident that that was being handled appropriately.

**MR CAIN:** Did that head report to you for your approval of any part of this matter?

**Ms Leigh:** That was not necessary. That was being handled appropriately.

**MR CAIN:** You formed the view that it was being handled appropriately and you never inserted your opinion or direction into that process?

**Ms Leigh:** It was not necessary for me to do that, Mr Cain.

**MR CAIN:** You formed the view that it was not necessary for you to do that?

**Ms Leigh:** The Director-General of Justice and Community Safety appoints the Emergency Services Commissioner and appoints all of the chief officers. That is specified in the legislation. It is therefore appropriate for that director-general to take the lead on handling matters such as this.

**MR BRADDOCK:** Can I have your assurance that any instances of behaviour which have not met the ACTPS values or have been inappropriate will be properly investigated and addressed?

**Ms Leigh:** Mr Braddock, I can assure you that I place the highest value on the ethics, integrity and values of our service. I can assure you that anything that I am aware of will always be appropriately addressed. I can also assure you, even more importantly, that we have a wide range of systems, procedures and supports in place to enable people to raise concerns that they have. We have formal procedures where people can lodge complaints; we have support people in directorates, and SERBIRs where people can go to get advice and support in relation to complaints. I am confident that we have a comprehensive system in our service to enable any concerns that anyone has to be raised and properly addressed.

**MR BRADDOCK:** My concern is that, despite this comprehensive system, there have been a series of issues since 2017, and which have continued to such a point where there had to be an external review to unearth some of these issues. How has the

system failed to such an extent?

**Ms Leigh:** I would put it the other way around, Mr Braddock, and say that, as a service, we are very open to constantly examining our performance, because we want to be the best that we can possibly be. We do not shy away from that, and it depends on the circumstances what the best way of achieving that will be, and I will always take that path.

**MR CAIN:** It would seem that Mr Braddock has asked a very obvious question, which I do not believe has been answered. How did you get to such a bad state that it required an investigation?

**Ms Leigh:** Mr Cain, that is a description that you are applying quite generally. I do not think I accept the implications of what you are saying.

**MR CAIN:** It required investigation, obviously, and a change of a senior-level officer.

**Ms Leigh:** We will always take steps to address any issues that arise, and we will address them appropriately, according to the circumstances, as was done in that case.

**MR CAIN:** What steps were taken during this poor management and poor administration that have led to this resignation?

**Ms Leigh:** Mr Cain, that is your description. I need to make it clear that I am not adopting it. I can assure you that there were comprehensive measures taken. As I explained, in the first instance, that is a matter for the Justice and Community Safety Directorate, and much more detail would be able to be provided to you by that directorate.

**MR CAIN:** You can assure this committee that there are no other parts of the ACT government where we are basically heading for an investigation and a senior officer dismissal?

**Ms Leigh:** I can assure this committee that I take action in relation to anything that I am aware of and that we have comprehensive systems and supports in place to enable people across the service, and indeed the public, to raise any concerns they have.

**MR CAIN:** Yet it would seem that this is an example of a failure.

**Mr Barr:** I think that is a comment rather than a question.

**THE CHAIR:** I think it is a to-and-fro that will not get much further, Mr Cain, so we will leave it there. I will defer my question to Ms Castley.

**MS CASTLEY:** Thank you, Chair. Chief Minister, I have a question in relation to government strategy and policy. With that in mind, I would like to ask this: with respect to the health minister, back in May, and with the takeover of Calvary, you said that it was justifiable as it would make the health system more efficient and effective. I understand that you and CMTEDD would have been involved in this decision, from

a policy and strategic perspective. Do you stand by the government's strategy to take over Calvary and that it has become more efficient and effective?

**Mr Barr:** Yes.

**MS CASTLEY:** Have you heard reports or can you confirm whether there has been a code yellow at the North Canberra Hospital, which, according to CHS documents, means an internal disaster, in the last 24 hours?

**Mr Barr:** No. I am not the health minister, so I would not be advised of that.

**MS CASTLEY:** Would you be able to come back to the chamber by the end of this session with information about that?

**Mr Barr:** No, I do not think so. I will take that on notice.

**MS CASTLEY:** Do you know what the nature of an internal disaster is?

**Mr Barr:** No. I am not the health minister, so I would not be routinely briefed on hospital administration matters.

**MS CASTLEY:** I am wondering what your thoughts are. If the move was to make the health system more effective and efficient, given that we have an internal disaster within a month of your takeover, what are your thoughts on that?

**Mr Barr:** I am not going to take on face value an unsourced accusation from you.

**MS CASTLEY:** Twenty people in ED unable to get a bed, bed block, people being diverted to Woden.

**Mr Barr:** No, I am not going to accept anything that you say as the truth until I have ascertained it from an actual, reliable source.

**MR CAIN:** Chief Minister, are there any senior officials in this room who are able to provide some information on this matter?

**Mr Barr:** This is a matter for the health portfolio, not for Chief Minister's.

**MR CAIN:** We do have the Head of Service here.

**Mr Barr:** It is a matter for the health portfolio.

**MR BRADDOCK:** The Auditor-General, in his evidence earlier, mentioned the state of procurement, and found that, whilst there are often instances where the Procurement Board has all of the guidelines and documentation sitting there on a shelf, it is the case that public servants do not necessarily always follow those. How are public servants held to account when they fail to adhere to guidelines or even legislation?

**Ms Leigh:** Mr Braddock, that report has just come out. Of course, there is a process

for that to come before a committee, and for a government response. It is very preliminary for any consideration to be given to that report.

I would also note that the Auditor-General said that he had not discovered any evidence of deliberate misconduct in relation to the handling of procurement. The Auditor-General raised a number of policy proposals about how the government might further strengthen the procurement system, and I am confident that that will all be looked at and given proper attention. There are a lot of interesting proposals in there.

The Chief Minister can speak for the government, but I am confident, as a public servant, that we are constantly supporting the government to improve and build on the policy in every area of government. I am constantly looking to improve the performance of the public service. That report, and indeed others, will be very useful in helping us to do that. That is why we have an Auditor-General, because we welcome the opportunity to get that independent, forensic analysis that can identify ways that we can further strengthen our performance, and we will act on that.

**MR BRADDOCK:** Accountability goes broader than just deliberate misconduct, and it is also broader than simply the latest Auditor-General's report. There have been a few in the procurement space which have highlighted concerns about guidelines and legislation not being followed. Again, I ask: how do we ensure that officers are held accountable for their procurement decisions where they have not followed guidelines or legislation?

**Ms Leigh:** The Auditor-General stated that this was an issue of parts of government handling procurement when they did not handle procurement very often. It was more a matter of inexperience than deliberately not following the guidelines. One of the important things that we constantly do as a service is to look at how we can improve our performance as a service. Part of that, as a small service, is how we are structured.

One of the examples that the Auditor-General gave was the establishment of MPC, and how that had vastly improved the procurement process, because we have concentrated in one area expertise for managing large procurements. That is an excellent example of the steps we constantly take to look at how we are structured as a service and how, by adjusting that structure, we can continually strengthen our performance. Structures in the service can be appropriate according to the needs of a time and, as issues evolve or the capacity of the service evolves, an adjustment to that structure can lead to further improvements in the service.

MPC is an excellent example of that. That is the sort of thing that the Auditor-General was pointing to here. When you have a small service and people are doing large, complex procurements very rarely, it will be very hard for us to allocate the resources for somebody to develop the level of skill that is required when they only occasionally need to exercise that. That does not seem like a very efficient use of resources. We need those people to be able to do many other things; therefore they will not have the depth of expertise of somebody who does the same work all the time.

By taking notice of that, we can look at how we structure the service to concentrate expertise in an area; that makes that area more efficient and more effective in how it

conducts whatever the particular responsibility is. We constantly look to do that. I try very hard in the service not to duplicate roles and responsibilities, so we do not try to have the same skillsets in more than one place. By putting them in one place, you build a career structure and an area of expertise that can then guide newer staff and develop their abilities.

We constantly look at what the next opportunity is. As the priorities of the government and the experience of the public service evolve and as external issues change, we are constantly looking at, “What is the next opportunity for us to further strengthen our performance as a service?” I would like to say that I am very proud of our service. We are a very small service, and we are incredibly effective and efficient in delivering a very wide range of services.

**MR BRADDOCK:** My concern is where advice has been provided by the professionals but it has not been followed by these people. As you have described, they have not often performed a procurement of that complexity or size. That has not been documented. Again I am asking: how are these people held accountable if they are not listening to the expertise provided?

**Ms Leigh:** Mr Braddock, I am not sure I understand your comment about it not being documented. The Auditor-General, as I understand it, was saying that sometimes these guidelines were not followed—I agree that that is what he said—but he said it seemed to be a case of areas that did not conduct large procurements very often and not having the experience.

What is the answer to that? The answer is to look at how we can bring together areas so that we do always have that experience, but do it in a way that is efficient. Simply requiring an area that rarely does such procurements to maintain a very high level of skill in that area would not be the most effective use of our public resource. It is about having a more creative way of doing that.

As the Auditor-General himself has said, MPC has already made a huge difference. He was looking historically. MPC has already made a huge difference, and it is exactly the sort of thing that we constantly do across our service, to reallocate areas to get the best outcome for the time and for the priorities at the time.

**MR BRADDOCK:** I will finish by making a comment. The Auditor-General also advised that, where public servants were deviating from the expert advice, they should document it.

**THE CHAIR:** That was a self-declared comment, so it does not require a response. Mr Cain?

**MR CAIN:** Chief Minister, you are well aware, as are all of the officials in this room, that this is not a one-off critical report from the Auditor-General on procurement in the ACT. We have a series of embarrassing mis-administrations going back to the term of this government and earlier. Chief Minister, as the Special Minister of State has oversight of this activity and the board, does the Special Minister of State still have your confidence?

**Mr Barr:** Yes.

**MR CAIN:** Chief Minister, as the minister responsible for allocating ministries in this government, how many tens of millions of dollars must be wasted under a minister's watch before they are deemed to be incapable of managing their role?

**Mr Barr:** That is an offensive question, Mr Cain. I am not going to dignify it with an answer.

**MR CAIN:** It is a question of fact. How many—

**Mr Barr:** It is an offensive question, Mr Cain.

**MR CAIN:** tens of millions of dollars must a minister be responsible for losing—

**MR PETTERSSON:** Chair, can I ask—

**MR CAIN:** before they are deemed to be incompetent for their position?

**MR PETTERSSON:** Can I ask—

**MR CAIN:** It is a factual question, Chair.

**THE CHAIR:** Mr Cain. Effectively, you have a point of order?

**MR PETTERSSON:** How is this relevant to the actual subject matter we are meant to be inquiring into today?

**THE CHAIR:** I think it is a supplementary because Mr Braddock's line of questioning was all around procurement, and I am happy if Mr Cain—

**MR PETTERSSON:** Procurement is on Monday.

**THE CHAIR:** It is, but we are covering this area with the head of the government. I am happy for Mr Cain to continue.

**MR PETTERSSON:** I am paying attention and, if this goes too far, I will ask people to leave.

**THE CHAIR:** Mr Cain?

**MR CAIN:** Further to Mr Braddock's substantive, my supplementary is a very simple one. Chief Minister, when do you decide that a minister is no longer capable of exercising their functions?

**Mr Barr:** There are a range of requirements under the Ministerial Code of Conduct and there are a range of other criteria, Mr Cain, that would go to that person's either physical or mental capability to undertake the role.

**MR CAIN:** In terms of being a competent administrator of what would be hundreds

of millions of dollars, in most cases, do you have a figure, where that person who misplaces, wastes, sees a failure of expenditure—do you have a number regarding how many millions of dollars would lead you to the conclusion that that person cannot exercise that ministerial function?

**Mr Barr:** Implicit in your question is that the minister has personally mishandled money. That is not the case. You know that. Your line of questioning is offensive. It is wrong and it demonstrates your arrogance in relation to—

**MR CAIN:** Excuse me, you are here as a witness, Minister.

**Mr Barr:** seeking to—

**MR PETTERSSON:** You are here as a guest, Mr Cain.

**Mr Barr:** take over this hearing on a matter that is not relevant to the hearing before us.

**MR CAIN:** I am supplementing a question from Mr Braddock.

**THE CHAIR:** Mr Cain, I think you have prosecuted your line as much as you can.

**Mr Barr:** That is crass politics, Mr Cain—crass politics.

**MR CAIN:** You are a witness here, with respect to this Assembly committee.

**THE CHAIR:** Mr Cain, we are done.

**MR PETTERSSON:** Can the committee please get an update on the international engagement strategy and, in particular, what the key target countries are?

**Mr Barr:** It certainly can and I will invite the commissioner to provide that update for you.

**Mr Smyth:** As a consequence of the strategy being in place for five years and as a consequence of some changes in the world, small events like Brexit, opportunities now present themselves to the ACT's business community to further broaden access into markets. Britain has now left the EU. We all know the UK is the home of Sir Mick Jagger, whose birthday it was yesterday, so there is a great deal of *Satisfaction* to be able to say that we can now deal more directly with both the EU and the UK for instance. The last time this was enabled was Margaret Thatcher's time in parliament and so it has been a long time. Once you *Start me up* on getting activities going into the UK, I could talk for some time if you wish.

The opportunities here in the new international engagement strategy include the UK and Vietnam. So, we have gone from 10 to 12 countries. The original 10 countries are still there and we have added two regions. We have added the EU and the Pacific. It is an opportunity in line with the government's commitment to deal with like-minded jurisdictions, that we do well in an economic sense but we can also do good by helping those that might need some assistance.

Particularly in the Pacific, for instance, a good example would be a number of officers undertook a trade mission to Fiji in May of last year. Some went to Denarau to discuss tourism and flights. Some of us went to Suva to discuss closer engagement with things like sustainability, innovation, city to city engagement, business links. As a consequence of that, the Chief Minister then, following a trade mission to Wellington, travelled to Fiji. They had further discussion with Fiji Airways in November of last year. As a consequence of that, we had the announcement this year that Fiji Airways has chosen, above any other city in the world that they could have chosen, their number one start up route this year was Fiji Airways Denarau to Canberra, which started Friday of last week.

So, by broadening this strategy it means that I am authorised to focus on those countries contained in the strategy and that enables us to put in place, whether it be trade missions to assist inbound delegations to organise events—and you can see as a consequence of that process we are an international city now and connected internationally with Fiji. The strategy still is an inward investment. It is about finding export markets. It is about seeking connectivity. It is about finding new students while keeping the international students that we have. It is about finding more tourists. And it is about improving reputation in an international sense.

Something like Fiji Airways is very important because it is not just a holiday destination. It has a dual function in that it is also a conduit leading to the Pacific. Fiji Airways runs a number of flights to the surrounding islands. It also means that you can then go on to North America. So, it gives a great connection eastward to a holiday market and to North America. Fiji currently flies to San Francisco, Los Angeles and Vancouver, and they are about to expand that to, I understand, Seattle and a big city in Texas. I forget the name of that city. So, the strategy encompasses all of that. The same programs that we had in the previous strategy remain and we will endeavour to deliver that to the best of our ability.

**MR PETTERSSON:** We have our list of target operating markets. There is vaguely some kind of sense of ranking to that. For other jurisdictions, does Canberra sit atop anyone else's list?

**Mr Smyth:** Well, there is a lot of interest in Canberra. We all understand the position that Canberra occupies in Australia. If you are coming from the UK you think Sydney is the capital. If you come from America they often think Melbourne is the capital. Part of the vision on page 10 of the strategy says that by 2050 we would be world renowned as the city of innovation, creativity and the arts without losing our ranking of the world's most liveable city.

Some of the functions we run are to put the trade missions overseas, promoting Canberra in the specific market against the specific key strength that we see we have. Some of the functions of the office, for instance, are to assist with inbound delegations to see whether we can capitalise. A delegation might specifically come for one purpose but when you tell them the fuller story of Canberra they are quite amazed at the diversity of the offering. You have to remember 91 per cent of what we export are services. I think it might be fair to say, Chief Minister, that overseas people oddly enough know the War Memorial, probably better than any other building. They know

the Brumbies not the Raiders so international rugby union. They know Clonakilla wine and they know that you can walk over the top of parliament. ANU is often the thing that comes up in conversation. So, we have a number of assets that are well known and it is about tying them together and saying these are what these assets can do.

**Mr Barr:** I will just add that there is quite a lot of inbound from Indonesia at the moment as they are seeking to establish a brand new capital city in a central location within the archipelago and they are interested in learning from the experience, the Australian experience, of establishing a new capital.

**THE CHAIR:** Wherever they go it will not snow, will it?

**Mr Barr:** No.

**Mr Smyth:** Yesterday afternoon we had Mr Thomas Umbu Pati Tena Bolodadi, who is the director-general for the movement of the capital out of Jakarta into Nusantara and had officials from EPSDD assisting. We added it to our session with them discussing governance arrangements. There is a lot of similarities between the new Indonesian capital and the Canberra capital. It is established directly by the national parliament. It, oddly enough, will have freehold. They are very interested in our freehold system, hence EPSDD officers talking about process, et cetera. They wanted an understanding of how successful the planning had gone and what had changed, what would we not do the same if we were starting all over a hundred years ago, how you retrofit things. But they are also interested, to go back to wellbeing, in how we measured wellbeing, why we measured wellbeing and about how do you put amenity into a community that does not really exist. So there is an immense amount of similarity between the two capitals and we have had a number of inbound delegations and I would expect more over the coming years, particularly from Indonesia.

**MR PETTERSSON:** You mentioned that there were two new markets that have been added to the target, is that correct? Vietnam and—

**Mr Smyth:** So two new countries, the UK and Vietnam, and two small regions—the EU and the Pacific! Once you start me up how can I stop?

**Mr Barr:** Yes. There certainly is an alignment with the Australian government's free trade agenda and to the successful striking of an FTA or a PTA (preferential trade agreement). The trade minister's council tends to involve a team Australia approach where each state and territory is encouraged to work with the commonwealth to look at opportunities in those markets as a result of the FTA or PTA arrangement. It makes sense for a jurisdiction of our size to be partnering with Austrade on our market approaches. Then, within the strategy, we clearly look to align not only our trade objectives but our economic development and inbound investment objectives. Generally speaking, there is also then a tourism and/or aviation connectivity agenda as well.

Given we can only operate in a certain number of markets, it makes sense for those to be ones where there is a trading agreement that we can support the local exporting community to be able to take advantage of these newly struck trade agreements, and where there is a perfect alignment of desire to improve transport connectivity, to boost tourism, to boost inbound investment and to boost export opportunities. That I think

makes the most sense for our targeting within the strategy, and that is the work that the commissioner is leading. Recent—or relatively recent—administrative changes have brought the trade and export area into the office of the commissioner to ensure we do get that trade alignment associated with our international engagement strategy.

**MR CAIN:** Can you provide some information about the ACT's Singapore-based business development manager? Who it is, how they were appointed, recruited, just some details about their position and duties?

**Mr Smyth:** Certainly. It is an initiative that the Chief Minister undertook that we look at permanent overseas representation of the ACT. At the time we had the direct flight courtesy of Singapore Airlines to and from Canberra. Singapore is a market that is very closely in alignment to the sorts of products that ACT businesses can supply.

Without naming the officer, through Austrade—you undertake overseas representation in one of two ways, or a hybrid, Victoria for instance has in fact de facto embassies in 13 or 14 countries around the world. Smaller jurisdictions—ourselves, Northern Territory, South Australia, for instance—take the opportunity that Austrade provide to purchase a service from them. So Austrade provides in-country the facility to operate from, IT support and all of the operational support that an officer would require. Then my office, in conjunction with the Austrade officer in Singapore, determine what the business development manager does.

**MR CAIN:** What is the cost of holding and running that office?

**Mr Smyth:** It is going up as Austrade apportion more and more of the running costs to the territory. The nature of the contract allows them to do so. It is approximately \$300,000 in the coming year but for that you get the officer, you get the office, you get all of the IT staff support, you get all the HR support that any employee deserves and requires, you get security and you get access to primarily the information Austrade has at hand.

**MR CAIN:** I just need to come back; I am just compelled to come back to the relationship of the Public Sector Standards Commissioner with the Chief Minister and the Head of Service. From the CMTEDD website here is the statement that Mr Parton ended with last round.

The Public Sector Standards Commissioner is independent of the ACT Public Service, reporting directly to the Chief Minister.

Imagine a member of the public reading that statement. The explanation that was provided earlier, in my opinion does not align in any way with that statement. Reflecting on the relationship you have described, Head of Service, and that statement, do you think that statement, from its common meaning, has a message to the community about an independent review of our public service? Do you think that statement stands up for accuracy?

**Mr Barr:** Mr Cain, I think the statement on the website should better reflect the legislation and I will have it changed.

**MR CAIN:** That is a comfort. Thank you. I do have a few other questions. I think you have taken quite a few questions on notice and will obviously be feeding that through to ourselves, but, Chief Minister, has any disciplinary action been taken against any public servant as a result of one of these investigations?

**Mr Barr:** That is reported I understand in the annual report, so that information will be available when the annual reports are made available in the coming months.

**MR CAIN:** Thank you, and how many investigations has the current Commissioner, Mr McPhee, completed since he was appointed in 2018?

**Mr Barr:** I would refer you back to each of the annual reports that are publicly available. They will have a number for each year and then that will be updated with the annual report this year.

**THE CHAIR:** My question is to you, Chief Minister, as the leader of this government: a government that talks a pretty big talk about combating climate change, a government that has declared a climate emergency here in this chamber, a government that is encouraging and/or forcing people to change their behaviour in many ways to reduce emissions.

**Mr Barr:** I have a sense I am going to get a very sceptical question here on climate change. The preamble suggests it, does it not?

**THE CHAIR:** Chief Minister—Chief Minister—Chief Minister.

**Mr Barr:** Yes.

**THE CHAIR:** The rhetoric from your government on this issue has ramped up dramatically in the last six years but I would point you, Chief Minister to ministerial travel from this government in the last six years. I have a document here, which is quite extensive. The total cost of travel for ministers and staff totals just shy of \$1 million. You, your ministers and staff have managed to chalk up 1,500,000 air kilometres in that time and you have contributed over 406 tonnes of CO<sub>2</sub> in that period. This travel includes very regular flights to and from Sydney, our Greens leader has flown abroad on a number of occasions. This of course does not include Mr Rattenbury's recent trip to Antarctica. Indeed these figures that we have are out of date because they have not been updated for four months. Chief Minister, how can you with a straight face declare that there is a climate emergency and push emissions reductions agendas on the plebs when you are off living the life of Riley, jetting around the world and spewing carbon into the atmosphere at a much greater rate than most Canberrans?

**Mr Barr:** What an absurd question.

**THE CHAIR:** It is not an absurd question.

**Mr Barr:** It is—come on, come on, Mr Parton!

**THE CHAIR:** It is not, it is not an absurd question! We have people who in hearings

have, through us, given evidence that they can no longer get a bus to work, which is the business of your government, but there is a bucket load of travel here. I am not sure that it was all required. I do not think it lines up with your rhetoric. I am just wondering if you can justify that to the committee and to the people of Canberra today.

**Mr Barr:** Ministers have various responsibilities within the Australian federation. Ministers also have portfolio responsibilities and I, as minister for trade through the economic development portfolio, the First Minister, the Treasurer and the Minister for Tourism, obviously have portfolio responsibilities that do require travel.

**THE CHAIR:** You mentioned travel yesterday in regard to the discussion on the stadium. You mentioned checking out a stadium in Dunedin, among other things. I know that you were in New Zealand—

**Mr Barr:** I was in New Zealand and—

**THE CHAIR:** I understand that you were in New Zealand at the time—

**Mr Barr:** and we drove to Dunedin—

**THE CHAIR:** Yes.

**Mr Barr:** Yes.

**THE CHAIR:** But obviously what I am saying is that it goes without saying that there are study trips involved here, so there is a policy development component of travel in this. Would you agree, Chief Minister?

**Mr Barr:** Well across the Assembly, members do travel. Committees travel. I note many of you are members of the Commonwealth Parliamentary Association and have undertaken travel as well. So, if the suggestion is that members in this place cannot travel, or should not travel, then I do not support that suggestion. Ministers have responsibilities and commitments often across multiple portfolios. For example, in New South Wales—there is a premier, a treasurer, a trade minister, a tourism minister, and a climate action minister—there are five different ministers who undertake the responsibilities or part of the responsibilities that I have. They are going to split that work and that travel amongst five different people.

We have a very small executive. Most of our travel is of short duration and is associated with our responsibilities as ministers under the national cabinet, or previously the Council of Australian Governments. There are certain other elements of travel that relate to portfolio matters and engagement in those portfolios, which is indeed entirely appropriate. There are guidelines in relation to travel and there are requirements for reporting. Given your spreadsheets, you have no doubt accessed those publicly accessible travel reports.

**THE CHAIR:** So, Chief Minister, you have indicated that some of the travel is in regard to policy development. As the Shadow Minister for Transport, I travelled to Brisbane to have a look at the Brisbane Metro—

**Mr Barr:** Did you fly, did you?

**THE CHAIR:** I flew.

**Mr Barr:** Right, okay.

**THE CHAIR:** I am not the one who is prosecuting the rhetoric in the way that you are. But I—

**Mr Barr:** I have never suggested—

**THE CHAIR:** Chief Minister, but—

**Mr Barr:** that no one should fly, Mr Parton—

**THE CHAIR:** Chief Minister, I paid for that because I do not have the ability for—so I paid to go to Brisbane. I paid to go to the housing conference in Melbourne. I paid for my conference ticket. I paid for my accommodation. Does it—

**Mr Barr:** So the line of questioning is, you want a budget to travel, is that the—

**THE CHAIR:** Look, I am just adding that in because it would be easy to arrive at a conclusion that we have a system that is set in place here to allow the government to undertake business, to develop policy, to do what it is that they want to do, but to the exclusion of those who are non-executive members.

**Mr Barr:** Non-executive members are, as I understand, able to access some funding for travel.

**THE CHAIR:** So would you be, would you not? It is a small amount of money. I would have assumed that it is rolled into every salary, would it not be?

**Mr Barr:** No, I do not believe that is the way the—the Rem Tribunal, as I understand, provides an allowance from memory of about \$3,500 to members of the Assembly. Obviously, there is a difference between travel as a non-executive member and travel on official government business.

**THE CHAIR:** Even though you have indicated that some of your travel is regarding policy development?

**Mr Barr:** Well it is all portfolio related.

**THE CHAIR:** Yes, well so is mine.

**Mr Barr:** You have no responsibilities in government, though.

**THE CHAIR:** No, but you have indicated that a number—and it is very easy to see when you go through this list. I mean, there are study trips, there are all sorts of things. There are a number of things that are in regard to policy development.

**Mr Barr:** For the government.

**THE CHAIR:** For the government, yes.

**Mr Barr:** Yes. And you are not in the government—

**THE CHAIR:** No.

**Mr Barr:** so you cannot undertake policy development for the government.

**THE CHAIR:** I cannot. I can do so for the alternative government. And that is important—

**Mr Barr:** Sure.

**THE CHAIR:** —and the role of the opposition is extremely important.

**Mr Barr:** Right.

**MR CAIN:** A point of clarity. It is my understanding that federal public servants and political staffers are not allowed to accrue frequent flyer points.

**Mr Barr:** That is correct, yes.

**MR CAIN:** But they can benefit from a status upgrade by the number of miles they travel. What is the situation with ACT officials, ministers or otherwise—

**Mr Barr:** We have the same. We use the same travel provider and have the same arrangement as the commonwealth.

**MR CAIN:** The frequent flying status does give a benefit of upgrading one's gold or silver standard. Is that correct?

**Mr Barr:** Certainly that is the way the airlines provide status credits. They cannot and do not distinguish between one's private travel and work. You have one account with the airline. You have one frequent flyer account. But you do not get any frequent flyer points.

**MR CAIN:** Yes, but public servants can, and ministers can, get an upgrade to their standing, is that correct?

**Mr Barr:** Well it depends on the airline's policy.

**MR CAIN:** But it seems to be that is the case. That is the policy. Of which ministers and senior officials are aware.

**Mr Barr:** Well yes, certainly there are—

**MR CAIN:** And just one final—

**Mr Barr:** At least two airlines in Australia do provide lounge membership to senior public servants and politicians. I do also note that the Rem Tribunal provides an entitlement for non-executive members to also have an airline lounge membership.

**MR CAIN:** What is the tipping point, Chief Minister? Obviously, we use Microsoft Teams and other virtual meeting tools. What is the tipping point for a minister, even in your situation, to say, “Well I can do that meeting virtually from the office,” versus “I need to fly halfway round the world for a meeting?”

**Mr Barr:** Certainly I undertake most of my engagement over an electronic means, where it can be done. For example, the Council on Federal Financial Relations, the national cabinet, the board of treasurers, all have more tele-meetings than they do face-to-face meetings. I think in context of some of the other ministerial councils I am involved in, there is generally one or two face-to-face meetings a year and then multiple tele-meetings. Often there will be reasonably frequent either telephone or video meetings for those ministerial councils.

I would say, obviously during the peak of COVID, 100 per cent of my meetings were conducted online. There is a desire amongst organisations, the business events, community and others, for an engagement through face-to-face meetings. Some events do obviously require you to be physically in attendance. My diary, Mr Cain, is very busy. Obviously travel, depending on the location, can take half a day or a day, so, ministers and myself would make a judgement call on whether the event warranted the travel.

**THE CHAIR:** You will probably have to take it on notice or reject it—can I get you to take on notice the percentage of business class as compared to economy class on ministerial travel in the last 12 months?

**Mr Barr:** There is an entitlement to business class travel under the Remuneration Tribunal. There are certain sectors of travel that business class is not available and so ministers would travel economy. There are rules in relation also to duration of flight. I have a standing policy in relation to Canberra-Sydney flights, that they should be undertaken in economy. Flights that are longer, certainly overseas flights, are either taken in premium economy or business.

**MR BRADDOCK:** A question about the neighbourhood democracy program. I note the last budget had \$200,000 for what it said was the first stage of delivering that commitment, but there is no commitment in this budget. So my question is in terms of how much of that budget of \$200,000 has already been spent on the consultants and support of the project? What is left that the residents will be actually able to utilise under the project? Will there be any future stages to the project?

**Mr Barr:** I understand Ms Johnston can assist.

**Ms Johnston:** Fostering neighbourhood democracy was, as you identified, funded in the 2022-23 budget. There was \$200,000 allocated to it. This year we have spent \$25,000 on the first phase of that initiative to look at basically how to do it, how to do participatory budgeting in the context of the budget process, in the context of the existing budget consultations, looking at ways to build on existing government

programs. We engaged a consultant to assist us with that.

We have rolled-over some money that was allocated for this year and there was some money already allocated for 2023-24. So in 2023-24, you will have \$175,000 remaining, and \$80,000 of that will go to projects that the community will be able to identify through the deliberative process. We are thinking we will need some consultant support to run some of the deliberative processes so that we make sure we have the right community members involved and that we have sufficient numbers of community members involved to identify suitable projects for their suburbs. There will be some communications budget so that we can promote those participative opportunities and make sure, as I have said, we have sufficient numbers involved. The details of those amounts of money are not finalised at this point.

**MR BRADDOCK:** Just to make sure I am understanding correctly, out of the \$200,000, \$80,000 will be available for the residents to be able to make a decision as to what they would like to see as a project completed?

**Ms Johnston:** Yes, in two suburbs. So, \$40,000 a suburb.

**MR BRADDOCK:** My next question then goes back to the Chief Minister. In terms of that \$200,000 being listed as for the first stage, is it foreseen by the government there will be future stages associated with that project?

**Mr Barr:** I suspect subject to the evaluation of the first stage, we would be open to considering that.

**MR BRADDOCK:** Given the PAGA commitment was for five suburbs, I am interested in the reasons that it is now two suburbs?

**Mr Barr:** I understand that was by mutual agreement, to vary that number.

**MR PETERSSON:** I understand the Capital of Equality grants program has recently been redesigned for this financial year. Could the committee please get an overview of how the new streams will work?

**Mr Barr:** Yes, we can.

**Mr Merhton:** The 2022-23 ACT budget provided a short-term increase in the funding for the Capital of Equality grants program of \$500,000 over two years. This is a substantial increase on what we had been dealing out over the prior years of \$100,000 per year, so that warranted a review of how we administered that grants program and whether there are any opportunities to do something differently or a little bit better.

We have subsequently divided the grants into three streams: a connections stream, a partnership stream and a leadership stream; with related but slightly different objections. The connections stream is most similar to what we have had in the previous years around looking at improving community inclusion and participation. That can be community events or other programs. The second stream, which is where we have invested a lot of the new funding, is in the partnerships area to look at community organisations or other entities that can do some capacity building. So,

looking at grassroots organisations or other emerging organisations that can start to invest in their organisational capacity to make future impacts or fill gaps that we have in the ACT that have not been filled by other organisations.

The third stream is a smaller stream. It is the leadership stream, aimed at looking for emerging leaders in the LGBTIQ+ community and providing small amounts of support for them to train or improve their own personal development. Again, to make a more effective contribution back to the community in the future. That can be for things like travel to conferences or other training and development programs for individuals. It is typically in smaller amounts of about \$1,500.

We have expended all of the money for the 2022-23 financial year. We will look at running the same programs in the 2023-24 financial year, which will be the second year of that increased funding. We have not yet finalised the guidelines for that program at the moment, but we expect it will align with the same objectives and hope to build on what we have done in the first year.

**MR PETTERSSON:** We are also on to the second action plan under the broader Capital of Equality grants strategy. How is it tracking on those actions and what has been achieved recently?

**Mr Merhton:** We are tracking well. The most recent flagship action we have delivered on is the variations in sex characteristics legislation, which was passed by the Assembly just last month. That is the culmination of several years of work that has been undertaken through the Capital of Equality strategy and been a significant focus of our work in the office for LGBTIQ+ over that time. There have been a number of other significant achievements that have been made as well. I have spoken about the grants program; it was another one of our flagship actions.

We have also recently finalised a data collection framework around gender, sex and sexuality variables as well, which we think is going to make a big contribution to our ability to collect data and understand the needs and demands of LGBTIQ+ people accessing ACT government services in the future. That will provide an opportunity to have more consistency and guidance for directorates on how that data should be collected and recorded and when it would be asked for and used as well. That has been another significant plank in building the evidence base for us to take this work forward into a future strategy or action plan.

**MR CAIN:** Chief Minister, I have a question about the ACT public service staff survey. I note from the CMTEDD website the survey was carried out from the sixth to 24th of March this year. When will the results of this later survey be released?

**Mr Barr:** I believe the Head of Service can assist there.

**Ms Leigh:** We are in the process of providing that information across the service to all the relevant areas so that they can work with their staff on implementing any of the messages from those surveys. So that is underway right now.

**MR CAIN:** So, when will the survey be released?

**Ms Leigh:** As I said, that is underway right now. We are providing that across the service so that people can look at the particular messages for directorates and for subparts of directorates. We have such an incredibly diverse service that we need to roll it out right down to work areas, because it will vary so much between work areas.

**MR CAIN:** I understand that. Is this survey result going to be made public?

**Ms Leigh:** Mr Cain, I will take that on notice.

**MR CAIN:** Okay. Can you advise if the question around whether staff had witnessed corruption was in this 2023 survey?

**Ms Leigh:** Yes, there were questions about that, and my recollection is that there had been an improvement. Indeed, my understanding is that the number was down from our previous staff surveys, so that is positive outcome.

**MR CAIN:** I just wanted to be assured that the question was in there. Was it the exact same question that was contained in the previous survey?

**Ms Leigh:** I will take that on notice, Mr Cain.

**MR BRADDOCK:** I am interested in the ACTPS employment promotions of people of culturally and linguistically diverse backgrounds, and I am keen to have an update as to what the ACTPS is doing to foster them within its service.

**Ms Leigh:** Thank you, Mr Braddock. The diversity of our service is extremely important, both because we cannot properly serve our community if we are not roughly representative of our community but also because a diverse service ensures that we have many different perspectives, whether it is policy development or whether it is services, brought to an issue to challenge and make sure that we are really thinking through the best way of handling an issue.

You are absolutely right to raise this issue, because it is key to having a successful service, and we are constantly striving for that. I have information I can provide you on percentages in our workforce. Could you just remind of the precise aspect you were interested in?

**MR BRADDOCK:** If you have any figures, please just provide them on notice. I am more interested in the strategies that you are utilising to promote the service to CALD communities, encouraging them to apply and assisting them with applications or promotions so that they are able to fully partake in the service.

**Ms Leigh:** I would like to take on notice any details in terms of assistance that might be provided.

All of the advertisements for our positions and the material that is provided to people who seek information about a particular position make clear that we are an inclusive workforce that welcomes a very diverse workforce. It is also consistent with the messaging provided across our service in terms of how we operate—for example, the fact that we provide materials in many languages.

There is, of course, a sort of continuum between government policies on inclusion and the operation of the service and how we operate, which I think sends that message to the community about the nature of our service and the fact that we are very welcoming.

**THE CHAIR:** I refer to a question that was taken on notice in this chamber; specifically—not that people have memorised them—1,115, on the Professional and Consulting Services Panel. I note that there is a potential refresh of this panel in November this year. I just want to get a handle on how it is determined when a refresh is required of this.

**Ms Leigh:** The panels are actually organised by Procurement ACT. So that would be a better place to raise that question. They generally have a set time frame. Obviously, there is an efficiency in having a panel, so that the public service is not constantly going out in parallel looking for providers. There is also an efficiency in not requiring people to put in proposals too frequently, because then we are likely to get less diversity of organisations putting themselves forward. But then there is obviously a realistic time limit on the currency of that panel.

When the panels are established, usually there is a time frame for how long before it will be refreshed. But I would suggest, Mr Parton, that you would get more detail on that when Procurement ACT appear.

**THE CHAIR:** So, on Monday, if I were seeking a breakdown of work provided on this panel, that would be the place for me to go?

**Ms Leigh:** That is right.

**THE CHAIR:** I am happy with that. Thank you.

**MS CLAY:** Chief Minister, can you give me a brief update on what is happening with the Monaro Rail Trail and, in particular, whether you are working with the Queanbeyan-Palerang Regional Council, the Snowy Monaro Regional Council and the New South Wales government? Are you engaging? When was the most recent engagement?

**Mr Barr:** Mr Clapham might be able to update on that work.

**Mr Clapham:** Thank you for the question. There is not, I would not say, current engagement with the Snowy Monaro Regional Council on the Monaro Rail Trail. However, we have met with the Monaro Rail Train organisation—I will have to take the date on notice—and have discussed it with the Queanbeyan-Palerang Regional Council.

I think I could characterise it as there is in-principle support for investment in that sort of tourism infrastructure and experience. I understand the aspiration is for the rail trail to go from Queanbeyan, all the way down through Snowy Monaro and, I think, even down into Bega—or, ideally, as far down south as they can go. Of course, there is interest in other parts of the community around the future of rail travel between

Canberra and Eden, and so there are a few competing, I suppose, aspirations for that rail trail. ‘

But in Policy and Cabinet and in Visit Canberra, in Economic Development, we have met with the Monaro Rail Trail association and had presentations from them. Through our statement of intent with Queanbeyan-Palerang Regional Council, tourism is an identified priority for joint work, and so this would be within the scope of our shared commitment to look at joint tourism opportunities where they arise.

**MS CLAY:** So no recent engagement, but general support? Have I got that—

**Mr Clapham:** I would caution—

**MS CLAY:** Yes, sure; no decisions made.

**Mr Clapham:** Favourable hearings and in-principle support, noting there are lots of considerations. The opportunities to integrate a rail trail that went through Queanbeyan to connect into bike trails or other bits of tourism infrastructure in the ACT are recognised—noting that there would be a fair amount of work to do to understand the scale and priority of that investment—and the value in a rail trail to help bolster the tourism product in that part of the region can be seen.

**MS CLAY:** I am not sure I am going to get a good answer to this. I am trying to gauge whether this has legs or not, and I am not sure from your answer whether there are major barriers that people are trying to work through, or whether this is just not a priority and it is not going to happen. I do not know any other way to put it.

**Mr Barr:** The infrastructure is New South Wales. So, to the extent that there is engagement with us, it is very kind of them and we are not opposed to it. But, if the question is asking if the ACT government is going to provide works funding for a project in New South Wales, I can categorically say that the answer to that is no.

**MS CLAY:** Sorry, Chief Minister; let me be clearer. It makes more sense for me to ask my tourism minister and Chief Minister about this project than for me to go out to the New South Wales government and cold call them.

It does have significance for us in the region for tourism in this area. So I am just trying to get a sense of where that project is up to. Is that sort of actively under development, or is it just at a concept stage from some individuals who like it?

**Mr Barr:** I would say more the latter than the former.

**MS CLAY:** Right. Thank you.

**MR PETTERSSON:** There is an initiative in the budget titled “Investing in Public Services—Joint Research with the Australian National University”. Could someone please explain the purpose of that initiative?

**Mr Barr:** Sure. I did refer to that earlier as it relates to the very topical wellbeing indicators that people are interested in. But I will throw to the team to give you a little

bit more detail.

**Mr Gotts:** Thanks for the question. Essentially, the strategic relationship with the ANU is an opportunity to align thinking from academics around wellbeing, the sorts of initiatives that will advance wellbeing, the research that will advance wellbeing and the data analysis that will advance wellbeing with the public policy questions that the government is thinking about.

The initiative comprises resources from the ANU. That will be essentially in the form of postdoctoral academics and access to more senior academics and to research capabilities, On the government side, we are providing resources for data analytical purposes and for coordination purposes as well.

The other contribution from the ACT government will be in the form of data that we can work together with the university to analyse and to provide insights into the often nonlinear relationships between different aspects of public policy that, when better understood, can lead to better decisions in relation to wellbeing outcomes.

**MR PETTERSSON:** Wonderful. Thank you.

**THE CHAIR:** I think that we are done. So thank you all for being a part of this session in what I know has been a very difficult week. If questions were taken on notice, could you please provide answers to the committee's secretary within five working days of receipt of the uncorrected proof.

**Hearing suspended from 12 to 1 pm.**

Appearances:

Rattenbury, Mr Shane, Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction

Justice and Community Safety Directorate

Glenn, Mr Richard, Director-General

McNeil, Ms Jennifer, Deputy Director-General, Justice

Garrison, Mr Peter AM SC, Solicitor-General, ACT Government Solicitor

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

Hutchinson, Ms Zoe, Executive Branch Manager; Justice Reform Branch; Legislation, Policy and Programs Division

Nuttall, Ms Amanda, Principal Registrar and CEO, ACT Courts and Tribunal

**THE CHAIR:** Welcome back to the public hearings of Estimates 2023-24. In the first of our afternoon sessions we will hear from Mr Shane Rattenbury MLA, the Attorney-General, and gathered officials—and thank you for gathering. We appreciate your presence.

These proceedings are being broadcast live. They are also being transcribed and will be published on the Assembly website. If you are taking a question on notice, please be emphatic about the fact that you are taking that question on notice so that we can all understand where we are at.

I remind the witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Just on the voices, could I get you all to confirm, if you are on this page, together for the record that you understand the implications of the privilege statement and that you agree to it?

**Witnesses:** Yes, Chair.

**THE CHAIR:** Excellent. We are not inviting opening statements and so we will proceed to questions. Given the complexity of this portfolio, I am going to defer to Mr Cain.

**MR CAIN:** Attorney, in the light of recent events, much of which are currently under investigation by the Sofronoff inquiry, it would appear the criminal justice system in the ACT is in a state of uncertainty. For example, the DPP, Shane Drumgold SC, remains on leave from his duties as the ACT DPP while the inquiry is ongoing. What responsibility do you bear, Minister, for the state of the criminal justice system in the ACT?

**Mr Rattenbury:** Mr Cain, the ACT government was very clear in establishing the board of inquiry. Obviously some quite serious allegations were made about an inappropriate conduct and so we stepped forward quite decisively to ensure that we got to the bottom of those matters. The board of inquiry will report soon, we will see the conclusions that the board of inquiry has drawn and the government will consider what responses might be needed.

In terms of the day-to-day functioning of the criminal justice system, I do not think there is uncertainty. We have a highly competent acting DPP. It is not unreasonable for Mr Drumgold to take leave. People take leave for a range of reasons at a range of times. We have a deputy director filling that role very competently. He is very experienced. So the DPP office continues to operate as per normal.

I note that the acting DPP was recently interviewed and he said he felt the office had a strong relationship with ACT Policing. So I think, day-to-day, most people on the ground would be experiencing a functioning criminal justice system in the ACT, as they would expect.

**MR CAIN:** Surely you cannot accept that things are just going on swimmingly when we have a board of inquiry into the ACT justice system. That is a pretty extraordinary thing to undertake, is it not? Does it not put doubt on your ability to lead this JACS department and to hold this office?

**Mr Rattenbury:** Mr Cain, I was very clear about the fact that the government established the board of inquiry because of very serious allegations around a specific matter—just as we have other pieces of work going to review and ensure that the system is operating effectively. My point in observing that I think many functions of the justice system are operating as the community would expect is that that is what people who are working on the ground are telling us.

**MR CAIN:** Is it your understanding that the report will be issued at the end of this month, as has been indicated publicly?

**Mr Rattenbury:** The government has been very clear that the report is due to be handed to the government by 31 July. We understand that Mr Sofronoff will deliver the report on time. That is the indication he has made to the government, so I am not expecting any delay on that.

The government has indicated that it intends to, as much as possible, release the report. We will not know exactly how that will proceed until we have seen the content of the report. I have no indication of what is in the report at the moment, as would be appropriate.

Under the board of inquiry act there are a range of scenarios. But the Chief Minister has indicated—I think in remarks that have been reported today—that the government intends to table a report in the Assembly I think transparency around this will be important. We will need to be mindful of where there might be sensitivities in the report, and the act imagines those scenarios, and that is how the government will proceed.

**MR CAIN:** Will that report go to yourself as Attorney-General as well as the Chief Minister?

**Mr Rattenbury:** No; the report goes to the Chief Minister. The act specifies that the report goes to the Chief Minister.

**MR CAIN:** When do you expect to get a copy of it?

**Mr Rattenbury:** I do not know. I have not discussed that expressly with the Chief Minister yet. I will discuss it with him, but I have not discussed it with him yet.

**MR CAIN:** As you have said earlier, you expect this report to be tabled in the Assembly the end of August. Is that—

**Mr Rattenbury:** That is the government's current intent, yes.

**MR CAIN:** Thank you.

**MS CLAY:** Attorney-General, our recidivism rate is an important one to measure the rate at which adult offenders are returned to custody. That is one of our indicators, but I gather there are other indicators that we can use to see if our policies are working. Can you tell me the biggest indicators you are looking at and what the data is showing you?

**Mr Rattenbury:** Yes, thanks, Ms Clay. Under the government's reducing recidivism strategy, the primary indicator is the one delivered by the Australian Bureau of Statistics, which is adults reoffending within at two-year period of release from custody. That is the headline indicator. We have seen that declining since the 2018-19 baseline year, which is consistent with our intent to reduce recidivism.

That said, there are a range of other indicators which can be used to consider that. I might invite Ms Hutchinson to talk about some work we are doing with the ANU and within JACS to consider some of those other measures.

**Ms Hutchinson:** A key aspect of justice reinvestment and the Reducing Recidivism Plan is that policy is driven by evidence. As part of that, a key component of the plan is the research collaboration the government has with the Australian National University Centre for Social Research and Methods.

Under the collaboration agreement, the ANU is formally evaluating a range of programs as well as those secondary measures that will inform a broader picture of success of the reducing recidivism target.

As part of that, the evaluation framework is looking at not just that primary recidivism rate but also other indicators, including the reduction in the rate of reoffending, reduction in the seriousness of offending, reduction in the frequency of offending, reduction in the overrepresentation of Aboriginal and Torres Strait Islander people in custody, reduction in the female prison population, referral participation and completion rates of offenders participating in the targeted programs, and the proportion of supported housing places that are fully utilised in the Justice Housing Program and bail accommodation programs.

**MS CLAY:** Sorry; what was the first one? I have written down the others but you dropped out on the first one. Reduction in the rate of?

**Ms Hutchinson:** Reoffending.

**MS CLAY:** Yes, I guess, the main one.

**Ms Hutchinson:** This collaboration is really intended to provide insight into factors that might affect the recidivism rate. The analysis is going to be undertaken using a dataset which links data records from policing, courts and corrections. It is anticipated that we will start to have some of this data coming through the project and the analysis will start to be available mid to late this year.

This is in addition to evaluations of particular programs that sit under the Reducing Recidivism Plan that the ANU has been evaluating as part of this collaboration project.

**MS CLAY:** We have heard at other points during estimates about women in prison number. With such a small population, it is probably difficult, I imagine, to read too much into that, but they seem to be a on a lower side at the moment. Has that got any correlation, or is it too hard to tell because of the numbers?

**Mr Rattenbury:** Part of the reason that one of the indicators is specifically looking at women is that they obviously have very particular criminogenic issues. As you highlighted, our numbers are very small in the ACT. The data often fluctuates quite wildly. We tend to move between about 15 to 30 women in custody at any one time.

My personal view is that it is an area where we can have a significant impact on keeping women out of custody, because they are often involved in matters that are breach of justice procedure offences. I am also particularly mindful of the role that women often have in caring for children. I think there is a particular piece of work we need to do where we can target women involved in the criminal justice system, who are, more often than not, victims themselves, to really target their recidivism and particularly to reduce the rate of incarceration of women.

**MS CLAY:** The Drug and Alcohol Sentencing List evaluations have been looking quite good, frankly. It is probably the clearest bit of reporting we have got that reinvestment is working. That is showing that the \$40 million operating cost of that court has been recouped in avoided prison time. I have got that right, have I not?

**Mr Rattenbury:** The ANU did the evaluation for us on the first period of operation of the Drug and Alcohol Sentencing List. It showed that, at that point, the government had spent \$13 million operating the court and the return on investment was \$14 million, or avoided costs were \$14 million. That was simply in avoided prison nights.

**MS CLAY:** That is a pretty low figure. The actual overall benefits would be significantly higher than that.

**Mr Rattenbury:** Yes. The evaluation recommended that a more thorough analysis be undertaken, because it was very clear in identifying that they had not evaluated avoided hospital trips and all the other sorts of indicators you can imagine that would also be part of that equation.

**MS CLAY:** Are we doing any more evaluations like that on aspects of reinvestment?

**Ms McNeil:** As Ms Hutchinson said, there is quite a comprehensive evaluation program going on.

**MS CLAY:** Yes, on the whole program but are there on individual aspects of our programs? The Drugs and Alcohol Sentencing Court was one neat aspect. Are we looking at individual programs, or are we looking at evaluation—

**Ms McNeil:** Yes, individual programs are also being looked at under the research collaboration with the ANU.

**MR PETTERSSON:** Liberal Senator Linda Reynolds has called for changes to the ACT Crimes Act to discourage people from using the media or parliamentary forums in relation to a criminal allegation by making it illegal not to report a potential criminal offence to police irrespective of whether that survivor wishes for that report to be made. Attorney, is it important for victim-survivors of alleged criminal acts to be able to tell their stories and share their lived experiences?

**Mr Rattenbury:** I was very concerned by the submission made by Senator Reynolds. I felt that that it had a strong victim-blaming component to it. Obviously, the experience for each victim is very personal and very different, and victims will want to respond in different ways. I do not think that we should seek to constrain them. Certainly given that Ms Reynolds submission is to the Board of Inquiry, I imagine the Board of Inquiry might contemplate this matter. But it is not a position I support at first instance.

**MR PETTERSSON:** How do you feel about a federal senator who does not represent the ACT commenting in the media about the ACT's Criminal Code?

**Mr Rattenbury:** I think the federal senators feel free to comment on all sorts of things—including Mr Canavan's recent bill, which I find very egregious and a clear endeavour to step in and regulate in the ACT.

People will make comments all the time, just as members of this place comment on federal matters. I do appreciate that Senator Reynolds's comments were made in the context of her submission to the Board of Inquiry, and she is free to make those contributions to public debate.

It is for this Assembly to think very carefully about how we best support the victims of sexual violence in the ACT. I think the government has demonstrated a very clear commitment and endeavour to improve our criminal justice system to support victims. The report that we commissioned, which was delivered in December 2021, from the—I cannot recall the name of the group; I have had a terrible mental blank. You would recall the report I am referring to. It was from the Sexual Assault Prevention Response Panel. Thank you, Mr Glenn.

That set out a series of really important reforms, both legal but also often program or service response orientated. The government is steadily working its way through those. The way the government responded to that report, where we accepted so many of the recommendations and committed to progressing them—and we are doing that—sends a very clear signal of the government's intent and I think more broadly this Assembly's intent.

**MR PETTERSSON:** You have already alluded to this, but I just want to get it crystal clear. Will you be making the changes Senator Reynolds has called for?

**Mr Rattenbury:** No; the government does not intend to make those changes at this time.

**MR CAIN:** Attorney, I commend you on the appointment of Louise Taylor to the Supreme Court recently. During my four years on the Law Society Council, three as vice-president and nearly seven years chairing the government law committee, I had several interactions with Her Honour—obviously a very decent human being and an extremely capable lawyer and magistrate.

But I would just make a reference to one of the recommendations out of the dangerous driving inquiry. Recommendation 4c from the Justice and Community Safety Committee was:

The Committee recommends that the ACT Government increase public awareness of how the justice system works in the following areas:

... ..  
c) The process and criteria of judicial appointments.

Obviously, in this case, we have a very fresh process—fresh in the mind, so to speak. Could you explain, briefly and broadly, what process you went through to fill this Supreme Court position?

**Mr Rattenbury:** Certainly. Let me first touch on the fact that the government will of course formally respond to the dangerous driving committee's inquiry. That is currently being worked up and is due to the Assembly in August. So we are very close to responding formally to that report.

In terms of judicial appointment, the ACT has perhaps one of the most transparent processes in Australia. The normal process, in broad terms, is that there is a public advertisement when a vacancy is made available. That is run in a number of publications both locally and nationally. In addition, as the Attorney, I write to the large number of stakeholders across the country. I write to local stakeholders—the kinds of groups you would expect us to write to locally—and to Attorneys-General in other jurisdictions, the Law Council and law societies and bar associations in other jurisdictions as well. So we cast a wide net.

Once those applications come in, there is a selection panel put together that usually includes the head of jurisdiction—for example, the Chief Justice or the Chief Magistrate—and a senior ACT government public servant. There is also usually a judicial officer from another jurisdiction—somebody who has an understanding of the role of a judicial officer but comes from outside the ACT. which gives us a fresh set of eyes. That panel makes a recommendation to myself as the Attorney, and then I make a recommendation to cabinet, then cabinet endorses the final position.

In terms of the specifics of the current recruitment, you may recall that a few months ago we appointed Justice McWilliam. Her appointment was made through that

process. Subsequent to that, the government has formed a view—and we now have legislation before the Assembly—to discontinue the position of associate judge, and the government has taken a policy position to create a sixth resident judge position.

Given the short time frame between the last round of recruitment and this vacancy becoming available, and the excellent calibre of candidates, the government formed the view that we would go to the merit list on that last round of recruitment. Former magistrate and now Justice Taylor—or she will become Judge Taylor—was considered to be a suitable appointee from that list.

**MR CAIN:** So you are saying you used the merit list from Justice McWilliam's appointment given its relatively closeness in time.

**Mr Rattenbury:** Correct.

**MR CAIN:** So, with that, obviously you would have then made a recommendation to cabinet with respect to the Justice McWilliams appointment.

**Mr Rattenbury:** Yes, I did.

**MR CAIN:** So are you saying that now Justice Taylor was second on that merit list that you brought to cabinet?

**Mr Rattenbury:** No, I am not saying that. I am saying that cabinet has taken a series of decisions. We had a list of suitable candidates and we have worked our way through that list.

**MR CAIN:** So was Justice Taylor your second recommendation on that merit list?

**Mr Rattenbury:** Mr Cain, I am really unsure where you want to go with this.

**MR CAIN:** It is just a simple, I think, is it not? It is a very simple question.

**Mr Rattenbury:** I am just seeking some advice, Mr Cain, because these are sensitive processes.

**MR CAIN:** Sure.

**Mr Rattenbury:** The way advice is provided to me—and I refer the same information to cabinet—is that candidates are deemed suitable or not suitable. Cabinet had a number of suitable candidates that were provided to us by the panel.

**MR CAIN:** I understand that process and that categorisation. So are you saying that what you brought to cabinet was a list of suitable candidates? Or did you bring a list of your choice out of that suitable bundle to be appointed in particular order?

**Mr Rattenbury:** I would have to check the record. But the usual practice is that I would take to cabinet a range of options of identified suitable candidates for a discussion at the cabinet table.

**MR CAIN:** You said you were going to check the record. Could you take that on notice then?

**Mr Rattenbury:** No; I am confident that I took a list of suitable candidates to cabinet.

**MR CAIN:** Without a ranking or with a ranking?

**Mr Rattenbury:** I then discussed with cabinet my understanding of the selection process and any views that I might have on the suitability of candidates.

**MR CAIN:** Indeed. So was the ranking that we have seen unfold what you brought to cabinet—in other words, the appointment of Justice McWilliams and then the appointment of Justice Taylor?

**Mr Rattenbury:** I do not understand what question you are trying to ask me, Mr Cain. Aside from your curiosity, is there actually a point to your question?

**MR CAIN:** I am just understanding the process, Attorney-General.

**Mr Rattenbury:** I have explained the process to you. I am not required to disclose cabinet conversations to you.

**THE CHAIR:** Mr Cain, unless you have a more specific final question?

**MR CAIN:** Yes, I do, in terms of the recommendation from the dangerous driving inquiry. What degree of public awareness is there with all of this? That was really the heart of the recommendation: to increase public awareness of how this all works. Was that something that you displayed, in your opinion, in this case and earlier cases? Or is that something you are going to report back to us on? What was the public awareness? That is what I am saying. And what role did you play in making the public aware of this whole process?

**Mr Rattenbury:** If I understand your question correctly, the process for judicial appointment is outlined in the instrument that is available publicly online. The government has a stated process. There is a limited statutory instrument which prescribes the process. The resident judge appointment requirements are all spelled out in the instrument, which is publicly available.

I talked to you in detail about the way we promote the availability of the position. Of course, we publicly announce when judges have been appointed. To be honest, I do not think that the community is not paying a whole lot of attention most of the time. But we do our very best to draw their interest to these matters.

**MR CAIN:** I am not quite sure I heard you properly in response to one of my questions. Did you take to cabinet a recommendation that a particular individual should be appointed—in this first instance back with the position that Dr Verity McWilliams got?

**Mr Rattenbury:** Mr Cain, as I indicated, I am not required to disclose cabinet conversations to you.

**THE CHAIR:** All right; we are going to move on. Thank you, Mr Cain.

**MR PETTERSSON:** Attorney, I was wondering if you could give the committee some more background on Magistrate Taylor, her experience and what she brings to the court.

**Mr Rattenbury:** I am very delighted, and I welcome Mr Cain's comments on Magistrate Taylor's reputation. She is highly regarded in the ACT legal community. She has worked on what is often described as both sides of the table, both in the commonwealth Department of Public Prosecutions and also for Legal Aid here in the ACT, where was the deputy CEO. She has also been a magistrate now in the ACT for five years, where she is very highly regarded for her performance on the bench. So I think this is an excellent appointment to the Supreme Court.

I am particularly pleased with two other elements. Aside from her absolute capability and high regard in our community, she is also pretty much a Canberra local, having, I believe, attended both high school and university in the ACT, and has been in this community for a long time. So it is excellent to see a local candidate be able to move through the ranks, if you would like to describe it in this way.

Of course, Ms Taylor, is also a proud Kamilaroi woman, and I am very pleased to see a person of First Nations heritage also exceed extremely well, and it brings improved diversity to our court here in the ACT. As she put it, it is not solely about that, but it is important. Hopefully, it is a source of inspiration to others in the community that they can achieve these positions.

**MR PETTERSSON:** Thank you.

**DR PATERSON:** Attorney, my question is around the Sentencing Advisory Council. I was just wondering if you can provide some information on where that process is up to?

**Mr Rattenbury:** Thank you, Dr Paterson. As you may be aware, there is an advertisement, or a recruitment process, out for a number of community members of that panel at the moment. The way that membership of the panel is set up is that it is intended to be 13 people with a wide range of expertise. Some of those will be appointed in an ex-officio capacity. For example, the ACT Chief Police Officer or their delegate, a representative of Corrective Services, the Human Rights Commission, the Law Society and the Bar Association will have nominated representatives.

Then, the current recruitment process that is taking place invites a senior law academic, an expert in juvenile justice related matters, a former member of the judiciary, two community representative, including one Aboriginal and Torres Strait Islander representative, and a representative of the Victims of Crime Advocacy Group.

So, as you can see from that list, we are looking to bring a really diverse set of experience and perspectives to the table. That recruitment process is underway. For the ex officio positions, I have sent a letter seeking nominations from those designated organisations.

We did, as you may be aware, conduct a tender process for a secretariat, and we were unsuccessful in that. So that has slowed us down a little in establishing this group. In response to that unsuccessful tender, I have now agreed to a different approach, which is where we will recruit staff who will be housed within JACS as a sort of base for them. But they will operate in support of the Law Reform and Sentencing Advisory Council. Those staff are being recruited at the moment as well.

I expect us, through those various recruitment programs, to be up and running within the coming months.

**DR PATERSON:** What do you see as the purpose of this council?

**Mr Rattenbury:** At its highest level, it is to provide considered and independent advice to the government on complex legal questions.

**DR PATERSON:** Is it independent, though, having the Chief Police Officer, the Human Rights Commission and Corrective Services—all of those individuals—on the council as well?

**Mr Rattenbury:** Yes. I think it is fair to reflect that each of those people will bring the perspective of their organisation and their experience to the table—and we all know that many of those people are not shy in putting a view on the table. I think they will be forthright in giving their advice to the government.

**DR PATERSON:** I guess, though, they already have the opportunity to do that. So I am questioning the independence, what will actually come out of the advisory council and what its purpose is if it is sort a semi-replica of government already.

**Mr Rattenbury:** I do not think it is a semi-replica of government. I think the people who you might identify as being part of the government are the Chief Police Officer, a representative of ACT Corrective Services, the Human Rights Commission president and the Director of Public Prosecutions. That is four out of 13 positions. Both the Director of Public Prosecutions and the Human Rights Commission would, I think, both consider themselves to be significantly independent of government.

**DR PATERSON:** I guess the point is, though, that with the recommendations that may come from the sentencing council, all of those other individuals or organisations have an opportunity to then comment on them but, if they are involved in them, they already have that ability to make those recommendations to you now.

**Mr Rattenbury:** That is certainly one way to look at it. With this grouping, I imagine the community representatives who come to the table will also appreciate having, for example, the Chief Police Officer or their delegate at the table, because they will bring a lot to the conversation. They will offer considerable insight and perspective. We have all at various times in our roles met the Chief Police Officer. We know that he is forthright in his views, and I find him an excellent person to speak to. I have conversations with him where—

**DR PATERSON:** But I guess the point is you already have those conversations. So

what is the purpose of this advisory council? In the media release it says to conduct research and make recommendations. Again, none of those professionals are researchers. What do you expect to come out of that council?

**THE CHAIR:** Minister, hold that thought, because unfortunately we have got to break here. When we come back, I am going to allow you to just continue with that line of supplementaries.

**DR PATERSON:** Okay.

**Mr Rattenbury:** That is fine for me, too.

**MR CAIN:** I have some supps as well.

**THE CHAIR:** Of course you do, Mr Cain. We look forward to your contribution, Mr Cain, and yours, Dr Paterson.

Short suspension.

**THE CHAIR:** Welcome back to this estimates hearing. In this session, we will continue speaking with the Attorney-General and officials.

**DR PATERSON:** What do you expect this group to produce?

**Mr Rattenbury:** I started to say that I expect them to provide independent advice to government on complex and considered matters. Obviously, the two elements of it are law reform and sentence advising. They are, in some ways, the two arms of the content. With the diversity of representatives in the group and issues that arise in the community where there is a spectrum of opinions, my aspiration is that the community will work together to provide considered responses to government that will enable government to then pick up those recommendations and implement them.

If you look at the history of the Law Reform Advisory Council that used to exist in the ACT, many of the reports that came from that body have led to subsequent law reform down the track. On a practical level, I expect solid recommendations the government can pick up and look to implement.

**DR PATERSON:** What would you see as a priority for their work when they get started?

**Mr Rattenbury:** There is the discussion we had in the Assembly previously. The government has given an undertaking to refer issues related to dangerous driving to the group. I am also keen for them to consider bail issues. There are a number of bail issues floating around. Rather than having ad hoc adjustment to the bail system, I think there is scope to sit down and really examine it very carefully and think about it, given the competing considerations in bail. When I say “competing”, I mean we obviously have the primary and really important purposes of keeping the community safe and ensuring witnesses are not interfered with balanced with the presumption of innocence, which I think as a community and as an Assembly we also hold very strongly. It is about weighing up those sorts of considerations, thinking about how the

bail system is working and whether it is meeting the objectives that both as an Assembly and as a community we expect of it.

**DR PATERSON:** That is quite detailed work and 30 per cent of the committee has a very high-level ACT government job and responsibility. How much time will they be able to allocate to an in-depth look at the bail system, for example?

**Mr Rattenbury:** This is an important point to come back to. I wanted to come back to something you said earlier—the point of the secretariat. You said the people in the group are not researchers. The intent of the secretariat is to do, essentially, the underlying research work and those on the committee are not intended to source the material or do the detailed research. They operate more as an advisory committee. They will have material presented to them and they will deliberate on that and will do the higher level of work. Much like the Assembly committees, I would anticipate the secretariat will make the first draft of a report and those sorts of things. Their role is very much to bring their expertise, their perspective and their experience to the table.

**DR PATERSON:** Outside of the committee inquiries and given that half the council is government executive, where do you think this advisory committee is going to go, in terms of their recommendations and the advice that they give that could not already come from the current arrangements?

**Mr Rattenbury:** I want to be very clear. I do not think half the council is government—

**DR PATERSON:** Thirty per cent.

**Mr Rattenbury:** Even that. I go back to my earlier point. I actually think the committee could not operate effectively without some of those perspectives being brought to the table, and I think the other committee members will value the perspectives of some of those officers. Nonetheless, in terms of your question, I expect this committee will provide detailed and considered reports to the government that will be a valuable contribution to public discourse.

**THE CHAIR:** A final supplementary, Dr Paterson.

**DR PATERSON:** You do not think that the money and time could have been better spent investing in actual academic research or with serious experts in the area of bail, for example, to provide the recommendations to government? Then the executive branches of government that have been brought onto this council could provide their advice on that recommendation.

**Mr Rattenbury:** No. I do not hold that view. As a government, we already have the Justice and Community Safety Directorate, which has a lot of very capable people who have excellent policy expertise. The government has a lot of that resource already. We are also capable of commissioning independent experts, and do at times, to do detailed bits of work, but the very point of this is to bring community voices to the table.

**DR PATERSON:** There are only two community voices.

**Mr Rattenbury:** There are not only two community voices. I dispute that analysis.

**DR PATERSON:** How many community—

**THE CHAIR:** Dr Paterson—

**Mr Rattenbury:** Mr Cain is going to pick up his line of questioning anyway. Let me anticipate it. The President of the Law Society is a community person. They have a particular role, but they represent a segment of the community, as does the President of the Bar Association, and, in personal capacities, a senior academic and a representative of the victims of crime advocacy group. And it specifically says “two community representatives”, but I think the individuals being brought to the table are members of our community. They bring particular perspectives and they have been identified for particular capabilities, but they are members of our community. They are not public servants. What we are seeking to do here is bring views in a way that is not just the public service bringing views to government.

**THE CHAIR:** Mr Cain.

**MR CAIN:** Thank you. On that line, as you are aware, there are times when statements are made, even by the DPP, when sentences are not deemed to meet community expectations. I am pretty confident that, when the DPP says that, he does not think of the President of the Law Society; he thinks of members of the community. As you are aware, Attorney, I wrote you on 18 July—and I do appreciate you getting back to me fairly promptly—about the composition of this council and also the extraordinary short application period of two weeks, where you are inviting members of the community to put in an application for the sentencing council. You have defended both the composition of the committee and that short application period in your response to me, which I was happy to show to Dr Paterson as well. How many members of the community have actually applied at this stage?

**Mr Rattenbury:** I will seek some advice on that. What is interesting, Mr Cain, is that the two of you, you and Dr Paterson, have just expressed through your line of questioning, where Dr Paterson says, “You should just get academics to do it”—I am paraphrasing slightly, but that was essentially it—and your view that we should have more community representatives, the spectrum of possibilities. The government has sought to draw together a group of people that can effectively collaborate, will probably have different views, but, at the end of the day can, hopefully, produce concrete advice for us.

**MR CAIN:** I am in no way am commenting on Dr Paterson’s view.

**Mr Rattenbury:** No—it is okay.

**MR CAIN:** I am talking about the thing that you are planning to create. Again, the merits of that are certainly something worth discussing, including the small component of advice you are going to get from members of the community. Again, the President of the Law Society is not a member of the community in this context. It was quite disingenuous of you, in my opinion, to present that as a community

representative. How many members of the community, who are not professional officers or government officers, have applied for this council, so far?

**Ms McNeil:** I do not know that I have the information to hand. The process is due to close next Monday. My experience with other recruitment style processes is that often applications come in a rush towards the end.

**MR CAIN:** Could you take on notice supplying this committee with how many community members actually applied?

**Ms McNeil:** Yes; we can do that.

**Mr Rattenbury:** By the time we can get to do a question on notice response, the process will have closed—

**MR CAIN:** It will still be interesting.

**Mr Rattenbury:** As I indicated to you in my letter, Mr Cain, if somebody is a bit late, we are not going to preclude them from the process.

**MR CAIN:** Attorney, have you actually spoken to members of the community, in the non-professional community, to encourage applications to this council?

**Mr Rattenbury:** I have not encouraged people individually—no. What we have done is sought the highlights through a range of usual means. But, in trying to make sure that I maintain a degree of objectivity around this, in most of these recruitment processes I do not go out and tap people on the shoulder. I wait to see who comes in and then seek to exercise a judgement of the people who have put themselves forward. What I do is encourage people, in the broad, to apply, and we also do things like write to key community organisations, saying, “Please consider putting people forward.” That is the role I play, rather than individually tapping people on the shoulder.

**MR CAIN:** While I note you have an openness to accepting, perhaps, late applications—is that the way I read your—

**Mr Rattenbury:** Yes—if somebody came in 24 hours late or a couple of days late. If they ring us on Monday or ring tomorrow, and say, “I have a family emergency. I am not going to have it in on time. Is it okay if I get it in next week?” of course we are going to display a degree of flexibility. We also need to draw it to a close at some point.

**MR CAIN:** So you are closed to the possibility of providing an extension to the current application with, perhaps, some more public advertisement?

**Mr Rattenbury:** We have put a deadline out there and we are going to proceed.

**MR CAIN:** And you are also closed to the number of non-professional community members of this council?

**Mr Rattenbury:** We have put forward the terms of reference. We need to accept, for

the purposes of this conversation, that you and I have a different understanding of what the community is. There is a range of people who will come to the table, and I think that—

**MR CAIN:** When you put in the terms of reference, in the composition of the council, “two members of the community”, what did you mean by that statement?

**Mr Rattenbury:** These are people who do not necessarily need to have a specific expertise.

**MR CAIN:** And is not one of the nominated officeholders.

**Mr Rattenbury:** Indeed.

**MR CAIN:** And you think two is enough to give a balanced view on how the broader ACT community views sentencing and law reform?

**Mr Rattenbury:** Mr Cain, you and I both know that there is a broad spectrum of views in the community on sentencing matters. I certainly hear a broad spectrum of views. I am not sure about you, but I hear a broad spectrum of views. It is not possible, in a functional sized council, to necessarily encapsulate every single one of those perspectives. What we have sought to do is bring a healthy variety of perspectives to the table in a group that is a wieldy size. They have to ultimately come together and produce reports. Even with 13 people, one might argue that is quite challenging, just thinking about it from a governance theory point of view. We ended up at 13 because, in the advice I received from the agency and in contemplating it myself, I felt this was the best possible balance we could strike in all the potential approaches we could take.

**THE CHAIR:** We are going to keep moving. It is to me, but I am deferring to you.

**MR CAIN:** Thank you. On the theme of appointments, I note that you were Attorney-General from, I think, November 2020.

**Mr Rattenbury:** Yes.

**MR CAIN:** I have some questions about the appointment of Mr Drumgold as DPP, which was in January 2019. I am sure there are officials here who are familiar with that process, or questions can be taken on notice. Was the recruitment for the DPP back then an open recruitment process?

**Mr Glenn:** Mr Cain, I was not involved directly in that process, but I was aware of it, and, yes, it was an open recruitment process. It was publicly advertised.

**MR CAIN:** How many applicants were there?

**Mr Glenn:** I do not know that, Mr Cain.

**MR CAIN:** Will you take that on notice?

**Mr Glenn:** Certainly.

**MR CAIN:** I will respect confidentiality if you are able to provide the names of the other applicants.

**Mr Glenn:** Mr Cain, I will not be able to provide that.

**MR CAIN:** Okay. How many were shortlisted for interviews?

**Mr Glenn:** I can seek to find out a number for you, Mr Cain.

**MR CAIN:** Thank you. Did the recruitment process make recommendations to the Attorney-General? I am assuming that is yes. That is the path it would go. Is that correct?

**Mr Glenn:** Yes—that would be the normal path. I obviously was not involved directly, but that would be the typical—

**MR CAIN:** Would you take it on notice and confirm that is what actually happened? I would assume that is the process, but, again—

**THE CHAIR:** That specific question was: did the recruitment process make recommendations to the Attorney-General?

**MR CAIN:** Correct.

**Mr Glenn:** I can take that on notice, Mr Cain.

**MR CAIN:** Thank you. Could you also provide who was recommended for that position and in what order of merit?

**Mr Glenn:** No, Mr Cain. I would not be able to tell you that.

**MR CAIN:** You will not be able to do that?

**Mr Glenn:** No. That would not be appropriate to reveal. In the same way that I am not going to reveal the names of people who applied, I do not think I can reveal the names of people who were recommended.

**MR CAIN:** Okay.

**MS CLAY:** Attorney-General, you have allocated some funding to improve the operation of the Coroner's Court.

**Mr Rattenbury:** Yes.

**MS CLAY:** Can you tell me what that funding is for?

**Mr Rattenbury:** I can, Ms Clay. We made a number of specific commitments in this year's budget. I am just finding the page so I can give you the exact numbers. As you will recall, we have previously appointed a dedicated coroner. What we have sought

to do through this year's investment is improve the capability of the Coroner's Court. This year we have made two investments.

One is \$372,000 over two years for a forensic counselling service for the families of the bereaved in the initial two weeks of the death of a loved one. That is immediate intervention which, I think, is usually at the time when, from the feedback I have heard, families are perhaps most bewildered—for want of a better term—when not only are they coping with the death of their loved one and there are circumstances that might involve the coroner but a lot of process starts to go on. That has been identified as a particularly important period for supporting families.

Secondly, we have provided two years of funding for an additional family liaison officer to operate in tandem. We have a family liaison officer and now we are adding a second one. Again, this is certainly from feedback we have had from people involved in the coronial process—that the family liaison officer plays a really important role in helping people understand what is going on, where the process is up to, what they can expect next, and the progress of their matter. Those sorts of questions are for the role of the family liaison officer.

**MS CLAY:** That is great. We certainly heard some powerful testimony on community day, at the start of these estimates, about the role and the need for frontline trauma counselling services when there are deaths, so that does sound like good use of government resources.

**Mr Rattenbury:** What I might add is that, in the background, we have a process going on that is designed to be a restorative process, where we have a facilitator. He is facilitating a process where stakeholders in the coronial space—that includes families who have been through the process and some of the community action groups on the issue, as well as the courts and various professionals involved in the space—are working together. JACS is a member at that table but not leading the process. It is very much designed to be a collaborative process to identify improvements in the coronial system, be they practice and procedure or legislative change. In addition to the resources the government has put in to improve the space, we are also working through a policy and potentially legislative reform process to also improve the coronial space.

**MS CLAY:** Informed by people who are directly involved and affected.

**Mr Rattenbury:** Exactly.

**MS CLAY:** That is quite sensible. Can you tell me about the \$272,000 for the—

**Mr Rattenbury:** The first one was \$372,000, and the second, for the family liaison officer, is \$262,000.

**MS CLAY:** Who is providing that counselling? Is that public servants or is that—

**Ms Nuttall:** We are yet to go out to procurement for that.

**MS CLAY:** Sure. It will be a particular skillset, I imagine.

**Ms Nuttall:** Yes; that is correct. We will go out to tender for it, and it is likely that we will engage a service that is already providing some level of counselling to the community.

**MS CLAY:** Thank you.

**MR CAIN:** I have some supps. Attorney, as you would be aware, the coroner, the Honourable Ken Archer, called for more resources and recognition. He commented in the *Canberra Times* on 15 July. I have also heard from people who are very intimately connected with the coronial process, like the Haskins family, about the resources being made available for coronial inquiries. What avenues of coronial reform are currently being considered?

**Mr Rattenbury:** I think I just outlined in detail to Ms Clay the process that we have in train.

**MR CAIN:** In terms of the resourcing of the coroner's—

**Mr Rattenbury:** In terms of resourcing, I might ask Ms Nuttall to respond. We have actually put considerable additional resources into the coronial space in the last couple of years. It is an issue that I have taken a particular interest in, and Ms Nuttall can provide you the details.

**Ms Nuttall:** Mr Cain, since 2021-22, we have put in additional resources that have come out of our internal resourcing. In the year just gone, we added two new legal officers. Out of the budgetary process, there has been the family liaison officer; the associate role to the coroner, who undertakes some legal work in addition to those two additional legal officers; and an ASO5 for administrative support. Additionally, out of internal funding, we have provided a new role for an operations manager who oversees the Forensic Medicine Centre. In addition to the dedicated coroner, we also had Special Magistrate Russell working on coronial matters, and she undertook approximately 33 days of work over the last financial year to a cost of \$72,000.

**MR CAIN:** What is the exact nature of the legal work being contemplated?

**Ms Nuttall:** There is a whole range of work that they undertake. There is a legal 3 which is the senior manager of that area and oversees all the administrative staff as well as the forensic medicine staff, and she undertakes the more complex coronial investigations on behalf of the coroner. Particularly, she will undertake investigations, provide advice to the coroner or jurisdiction on the scope of inquiry, provide advice on avenues of investigation powers, and provide issuance of directions. She appears as counsel assisting.

There are more junior legal officers. We have two legal 1s in that team and they now have ongoing funding. They have, to date, predominantly been focusing on the older files to get some traction on the older files. They are looking at reassessing evidence in old files and advising the coroner whether further investigations and expert reports need to be undertaken. They will identify and request any further evidence that is needed. They will identify and request further relevant material held by other agencies,

such as Canberra Hospital et cetera; liaise with the AFP; draft subpoenas; and draft terms of reference for the experts. That is generally the—

**MR CAIN:** Thank you. Attorney, is the coroner, Mr Archer, expected to do duties other than as coroner?

**Mr Rattenbury:** Formally, Mr Archer was appointed as a magistrate of the ACT, in terms of the instrument under which he was appointed. All our coroners have been magistrates. In my discussions with the Chief Magistrate, we have obviously canvassed the government's desire to have that dedicated coronial position, and that is the role that Mr Archer is fulfilling.

**MR CAIN:** It was presented as the ACT having a full-time coroner. Is that the case?

**Mr Rattenbury:** Yes. Mr Archer is full-time in the coronial jurisdiction at the moment.

**MR CAIN:** But is he doing coronial duties full time?

**Mr Rattenbury:** Yes. That is my understanding.

**MR CAIN:** Not other magistrate type duties?

**Ms Nuttall:** I am happy to answer that, Mr Cain. Occasionally, when there has been unexpected illness, Mr Archer may be requested to undertake another list, and the Chief Magistrate will manage her resources to ensure that all the business of the court can be met.

**MR CAIN:** Is he requested or directed?

**Ms Nuttall:** The Chief Magistrate has a statutory function to manage the business of the court, and it is her statutory role to determine how matters are listed.

**MR CAIN:** How frequently is Mr Archer pulled away from his role as coroner?

**Ms Nuttall:** I would need to take that on notice, Mr Cain.

**MR CAIN:** Thank you.

**DR PATERSON:** Attorney, my question is in respect of appeals. The DPP, in their last annual report, expressed that they had established a dedicated appeals unit and this has resulted in more successful appeals. They say that appeals should be rare and exceptional and that they believed sentencing practices were not reflecting legitimate community standards and expectations. I am interested to know, given the success rate of appeals—69 per cent in the ACT Court of Appeal and 56 per cent of all appeals in the Magistrates Court to the Supreme Court—at what point do we view appeals as successful? Is this a reflection on the fact that the judges are not appropriately sentencing individuals and they need to be appealed?

**Mr Rattenbury:** I think it is fair to reflect that the DPP will appeal for a range

of reasons.

**DR PATERSON:** They state in their annual report that it is because they viewed these sentences to be manifestly inadequate and falling clearly short of community standards.

**Mr Rattenbury:** That is exactly the role that they have, and that is why the appeal system exists.

**DR PATERSON:** Yes, but going to point of that, though, should we not have a justice system that does not fall short of community standards in the first place?

**Mr Rattenbury:** As I canvassed earlier, I think there is a range of views of what community standards are. As MLAs, we have exposure to the full spectrum of community standards. There will be people who think that the DPP is actually right about that and there will be others who think the DPP has that wrong. The importance of the role of the DPP is their independence and their ability to appeal where they think that it does not reflect community standards. That is a matter of judgement of the director and his staff.

**DR PATERSON:** Appeals were successful in over 50 per cent of cases, so how does that reflect on our justice system?

**Mr Rattenbury:** I think it is also fair to reflect that the number of appeals is a small percentage of the matters that went through the courts.

**DR PATERSON:** But for crimes that they say are very serious—child sex offending and murder crimes.

**Mr Rattenbury:** And they are doing their job as I would expect them to do in pursuing those matters.

**DR PATERSON:** But do you think that there is a problem with the system that those matters are having to be appealed?

**Mr Rattenbury:** No. What I am saying to you is that the number of matters that are being appealed is relatively small compared to the number of matters that go through the system. I think the system is working where appeals can be made and appeals are successful, and that will, of course, shape the way that the court views these matters over time, through establishment of precedents and establishment of standards within the court. That is how the system is supposed to work. It has built-in accountability mechanisms.

**DR PATERSON:** Appeals, though, can be very retraumatising for individuals, for victims and also for perpetrators, because they have to go through that as well. Do you see this as a best practice criminal justice system?

**Mr Rattenbury:** Which part of it—sorry?

**DR PATERSON:** The appeals and that we are putting people through appeals

because, for whatever reason, our justice system is not working appropriately in the first place.

**Mr Rattenbury:** The ACT has a justice system that is largely similar to our justice systems right across Australia. We are constantly seeking ways to improve it. I spoke earlier about the reforms the government is making to improve the process for sexual assault survivors. As is my want, I will never say the system is perfect. I am sure there are always things we can do to improve it and I am very open to finding those sources of improvement. It is fair to reflect that there is a broad spectrum of views on what those improvements are.

**DR PATERSON:** From many of the conversations that I have had in this place, particularly around sex offences, they are quite a different form of offence to a lot of other offences.

**Mr Rattenbury:** Yes; they are.

**DR PATERSON:** Having spoken to victim-survivors who are very upset with the outcomes of particular cases, do you think we are doing enough in this jurisdiction to provide a justice pathway for victims?

**Mr Rattenbury:** Do you mean specifically for sexual assault?

**DR PATERSON:** Yes.

**Mr Rattenbury:** I am certainly reflecting a great deal at the moment on how we make this process better. There are some high-profile cases and we are seeing people do not find the current justice system meets their needs and that is for, again, a range of reasons. One of the important reforms the government has made is to open up restorative justice to survivors of sexual assault. That is not going to be suitable for everybody—I absolutely accept that—but I think it is demonstrative of looking for different pathways that people may wish to go through the justice system.

Obviously, the board of inquiry is looking very closely at these matters, and I am expecting further recommendations. We are still implementing the recommendations from the Sexual Assault Prevention and Response report. I expect that there will probably be new recommendations from the board of inquiry. We have work to do. I do think it is right. The adversarial nature of the system is deeply confronting for sexual assault survivors by its very definition. I think people around the country are grappling with this at the moment as to we try to think about how to do it better.

**THE CHAIR:** Thank you, Dr Paterson. Mr Cain.

**MR CAIN:** It does seem a rather strange argument, saying that, because the DPP can appeal, the system is working, particularly on these very serious crimes with inadequate sentencing. Surely, you must have a view yourself in your conversations with the Chief Justice as to meeting community expectations—what does that mean; is it effectively being rolled out by our court system? It seems that the points that Dr Paterson was making further bring to light and into focus my concern that there is a real problem with our justice system in the ACT. We not only have a high-level

inquiry but we also have repeat appeals on very serious crimes where the DPP—which, again, is an independent statutory officer of the ACT government—is seeing inadequate sentences rolling out.

**THE CHAIR:** Mr Cain, what is the actual question?

**MR CAIN:** Attorney, do you maintain the position that the fact that the DPP can appeal shows that the system is working?

**Mr Rattenbury:** The point I was making is that the system has accountability mechanisms built into it to enable the contesting of these views. The judges do not have carte blanche. The DPP, under our victims of crime charter, is obliged to engage with the victim so they also have a say at the table. If they hold the view that a member of the judiciary has it wrong, they have a right to appeal. The judges do not have a complete free rein. They are held to account on these matters.

**MR CAIN:** How?

**Mr Rattenbury:** Through the appeal process.

**MR CAIN:** For any dispute in the legal forum, most parties would say, “The sooner this is over the better.” Surely, by having more adequate sentencing, we are going to bring more of these matters to a conclusion sooner, which is less exposure for victims and trauma affected people to the whole matter that they are caught up with.

**Mr Rattenbury:** That is a comment.

**THE CHAIR:** Thank you, Mr Cain. We move to Mr Cain.

**MR CAIN:** Thank you, Chair. I have a question about page 6 in *Budget statements D*.

**Mr Rattenbury:** This is the first time I have been asked about an actual page in the budget in my entire estimates process.

**THE CHAIR:** It is the way it rolls.

**MR CAIN:** Is that a criticism of this estimates committee, Attorney?

**THE CHAIR:** Mr Cain.

**MR CAIN:** It seems to be.

**THE CHAIR:** Mr Cain, do you have a question to proceed?

**MR CAIN:** I have a question about page 6, budget statements D.

**Mr Rattenbury:** It is the first time I have been asked about an actual page in the budget in my entire estimates process!

**THE CHAIR:** It is the way it rolls!

**MR CAIN:** Is that a criticism of this estimates committee?

**THE CHAIR:** Mr Cain!

**MR CAIN:** I draw your attention to that page 6 of budget statements D: “estimated outcome” of “justice system completion rates”. Perhaps this one was anticipated—the previous financial year appeared to leave a bit to be desired in all jurisdictions, especially civil matters. Why did the Supreme Court, Court of Appeal, finalise only 59 per cent of civil cases within 12 months from lodgement, far below its own target of 80 per cent? Are there things that contributed to that?

**Ms Nuttall:** Thank you, Mr Cain. You will see from the explanation statements, there are a couple of reasons those completion rates within 12 months have gone down. They are set out at note 1, which looks at the judicial leave that has been experienced—

**MR CAIN:** Forgive me—if I could just step through each one as I think of something.

**Ms Nuttall:** Certainly.

**MR CAIN:** Surely, we bring in visiting judges as a regular procedure.

**Ms Nuttall:** We do. That does not always cover the amount of leave that is being taken. There are certain efficiencies in having resident judges that are lost when we are using acting judges, so that can slow the process down slightly. With the sudden and unexpected movement of Justice Kennett to the Federal Court—that left us with significant listings to fill over that period, and we were unable to completely fill those.

**MR CAIN:** You have just mentioned judicial leave. Is that the main factor?

**Ms Nuttall:** There has been some long leave taken this year. A couple of the judges have had significant periods of time on planned leave.

**MR CAIN:** To me that would perhaps trigger, as a priority—a long leave would mean that you are going to be really filling that for that long period.

**Ms Nuttall:** With acting judges we do. Sometimes those people who are acting judges are available for short periods of time. Sometimes they are available for more lengthy periods. Certainly, to cover the period of Justice McWilliam an associate judge role has been vacant. We have had Acting Justice Curtin, who has made himself available for significant periods during that.

We have not necessarily had people who have been available to fill the longer periods of leave.

**MR CAIN:** I will move to—again, in a civil case arena—the Childrens Court, and whether there is a difference. Only 60 per cent of civil cases within 12 months were finalised, far below a 90 per cent target.

**Ms Nuttall:** Yes.

**MR CAIN:** Did you also discuss whether the targets are realistic targets or whether they need to be modified?

**Ms Nuttall:** There has been some modification of the targets. I think last time we were here, Mr Cain, we spoke about those targets being set by the heads of jurisdiction as aspirational.

If you look at the *RoGS* data, you will see that our finalisations are within range for other jurisdictions, but we have, certainly, aspirations to do better than that, and we continue to work towards making efficiencies that will put us there.

In terms of the Childrens Court, there has been a significant increase in the number of, particularly, criminal matters that have been lodged during that period. We have also had judicial resources undertaking the therapeutic work of the Care and Protection Intensive List and the Warrumbul Court, which takes more time.

The Chief Magistrate is, at the moment, looking at how we may be able to put more resources into the Childrens Court in the coming period so that we can get on top of those matters.

**MR CAIN:** Thank you. And with the criminal cases, it looks like the actual outcomes were very close to the targets in all of the jurisdictions there.

**Ms Nuttall:** Yes.

**MR CAIN:** Is this something particular about a civil matter versus a criminal matter at work here?

**Ms Nuttall:** There can be. Often civil matters are complex. They are more driven by the parties than they are by the court. And, of course, in criminal matters the court does prioritise its resources to criminal matters, because often people are being held in custody, or victims, who are needing to give evidence, et cetera, will be prioritised in those circumstances. So judicial resources are usually skewed towards the resolving of criminal cases.

**MR CAIN:** In closing, and this is really a comment: I notice the ACAT matters were pretty close to their target as well, and I do want to acknowledge the contribution of former President Graeme Neate. Obviously, this is an indication of a successful tenure. Best wishes to his family and friends on his recent passing. Thank you.

**Ms Nuttall:** Thank you, Mr Cain.

**THE CHAIR:** Thank you, Mr Cain. Mr Glenn?

**Mr Glenn:** Chair, may I come back on a couple of questions that Mr Cain asked earlier that I took on notice?

**THE CHAIR:** Please.

**MR CAIN:** So soon!

**Mr Glenn:** Mr Cain, just in relation to the process for the recruitment of the DPP, I can tell you now that there were 10 applications made to that process. Six of those applicants were interviewed. Three of the interviewees were considered suitable. That advice was provided to the then attorney, and then there was a cabinet consideration for the appointment.

**MR CAIN:** And, obviously, one of those three would have been Mr Drumgold. Are you able to say what ranking was assigned to those from the recruitment?

**Mr Glenn:** There was no ranking assigned. Similar to the judicial process we discussed earlier. There was no ranking in the suitability.

**MR CAIN:** No ranking assigned; okay, thank you.

**Mr Glenn:** Thank you.

**DR PATERSON:** My question is about the Galambany Court.

**Mr Rattenbury:** Yes.

**DR PATERSON:** I am just wondering—the panel members and elders who are chosen to sit alongside the magistrate. How does that process work? Who are those members, and do they change depending on the case?

**Ms Nuttall:** There is a formal recruitment process, one that has not actually occurred for quite some time.

**DR PATERSON:** Okay.

**Ms Nuttall:** We have got a fairly steady cohort of panel members on that panel. There is a full-time coordinator that supports the magistrate in that court. She is responsible for appointing the panel members to each sitting day and each assessment day. She will look at any conflicts of interest that might be apparent. And also, she will look at, if there are potential issues, that some panel members may have some expertise that will assist that person in the court. So they are triaged in that way.

**DR PATERSON:** So how many are there?

**Ms Nuttall:** Off the top of my head—I will have to take on notice—I think there are eight, but I would have to confirm that for you.

**DR PATERSON:** And how many of those people are Ngunnawal or ACT local?

**Ms Nuttall:** I think there are two: Mr Billy Tompkins, and I cannot remember the other person. Again, I will have to take that on notice, Dr Paterson. I am sorry.

**DR PATERSON:** Is there any move to see more local Ngunnawal people being

appointed panel members rather than people from other parts outside the ACT?

**Ms Nuttall:** We do not have any recruitment processes on foot, at the moment, nor anticipate any. Certainly when we look to recruit, we look for local members of the community, the Ngunnawal and Ngambri people. But also, we recognise that many of the Aboriginal and Torres Strait Islander people that come before our courts are from across Australia, and it is recognised within that court that the elders from other areas are visitors to the country but are welcome and respected as leaders and elders in the community.

**DR PATERSON:** I have received some criticism that those elders are not elders in this community so have limited impact on the perpetrators who are going through those courts. I am wondering if, perhaps, we do need to look at the recruitment of the panel membership and whether there should be any changes there?

**Mr Rattenbury:** As Ms Nuttall has highlighted, the people appearing before the court will not all be of Ngunnawal heritage.

**DR PATERSON:** Yes.

**Mr Rattenbury:** We have, I think, around 8,000 to 9,000 people who have identified as Aboriginal and Torres Strait Islander in the ACT, and only a percentage of those identify this area as their traditional land. So, finding that correct balance is—I think it is fair to observe that all of the members of the panel are residents of the ACT, so they are local in that sense but not traditional custodians in the way I think you are referring to.

**DR PATERSON:** Yes. One final question: when was the last recruitment process?

**Ms Nuttall:** I would have to take that on notice, Dr Paterson; not since I have been in this role. I have been in the role for three years.

**DR PATERSON:** How long is that?

**Ms Nuttall:** Three years.

**DR PATERSON:** Okay, great.

**Mr Rattenbury:** Yes, and it has not occurred in my time as attorney either.

**DR PATERSON:** Yes.

**MR CAIN:** Quality of court recordings, and I know I mentioned this—

**Mr Rattenbury:** Quality of?

**MR CAIN:** Court recordings.

**Mr Rattenbury:** Court recordings. Sorry, yes.

**MR CAIN:** And I touched on this last year during estimates.

**Mr Rattenbury:** Yes.

**MR CAIN:** The line of questioning regarding—and I have had firsthand reports on this—unacceptable quality of courtroom video recordings. And you told me you would have had a look at the details of the matter, and at enhancing all of that. So, where are we up to with that?

**Ms Nuttall:** I am sorry, Mr Cain, my recollection from the last occasion we were here was that the issue was around a person giving evidence that believed they were not filmed properly. Not all evidence is filmed. Only in certain matters is the evidence filmed.

The cameras that are in the court are for security purposes; they are not for the purposes of taking and recording evidence, so the quality of those cameras will not be high definition. For those cameras that are—for those matters where the matters are recorded and purposely recorded—that would usually only be at the direction of a judge or a judicial officer, and the quality of those recordings is fit for purpose.

**MR CAIN:** You might recall the actual scenario that was presented to me in person—

**Ms Nuttall:** Yes.

**Mr Rattenbury:** Yes.

**MR CAIN:** Someone coming to my office with this, really, as a concern. She was a victim of domestic violence, which had been demonstrated by the court, and during the sentencing process she, in another room, could see on camera the perpetrator gesturing towards the camera with threatening gestures, purposely, for he knew she would be looking.

**Ms Nuttall:** Yes.

**MR CAIN:** Unfortunately, the quality was so poor that it could not be used as something of probity to the actual sentence given to this individual. So that was the picture I presented last year. Noting why the cameras are there, it still begs the question: something that could have had a significant impact on a sentence was of such poor quality that it could not be used, so surely that on its own should be a case for enhancing the quality of those recordings. Attorney, over to you.

**Mr Rattenbury:** Yes, certainly, Mr Cain. I think the scenario that you describe is obviously very distressing for the individual, and I am very sorry that she had that experience. That should not happen to somebody. I think that there is a range of things that could occur and the—

**MR CAIN:** We rehearsed all this last year and, obviously, the experience that was most distressing to this person was the fact that these threats that were made publicly and were on camera were of such poor quality they could not be used towards the sentencing of the perpetrator. That is what the distress was.

**Mr Rattenbury:** Yes, I understand that.

**MR CAIN:** And it does not sound like you are planning to do anything about that.

**Mr Rattenbury:** In the range of matters that we are seeking to deal with, we have not got to a point of seeking to upgrade the cameras in the court yet.

**MR CAIN:** Again, this is something that was raised last year in estimates—

**Mr Rattenbury:** Yes, indeed.

**MR CAIN:** and you have not done anything as a result of that. Despite expressing the same sort of sentiment and in-principle support, you have not done anything in that whole period.

**THE CHAIR:** Mr Cain, is there any further question on this?

**MR CAIN:** Are you planning to do something going forward, attorney?

**Mr Rattenbury:** As I undertook too you last year, Mr Cain, the government will consider this in the range of things we need to invest in in the justice system. There are many things. You previously asked, earlier, the question of whether we had more resources available for the Coroner's Court. You will appreciate there is a range of competing pressures, and the government is seeking to work our way through that list of necessary jobs.

**MR CAIN:** Can I just close with one thing?

**THE CHAIR:** Yes, Mr Cain.

**MR CAIN:** I will remind you of what you actually said August last year:

I am happy to take that as perhaps a recommendation, Mr Cain—

I think you know what the recommendation was—

We will look at the details of that. Obviously, Ms Nuttall knows of the incident. It has not been brought to my attention previously. I am happy to have a look at the matter.

**Mr Rattenbury:** Yes.

**MR CAIN:** Where has that taken you?

**Mr Rattenbury:** I did discuss it with the court, subsequent to you raising it with me, as I indicated I would. At this point the government has not been able to be in a position upgrade the cameras in the courts.

**MR CAIN:** Why is that?

**Mr Rattenbury:** Because there are many things that need to be done, and this has not been something that we have been able to resource at this point in time.

**MR CAIN:** And you do not consider what I have raised as a priority, when it may well be happening many times?

**THE CHAIR:** Mr Cain, I think you have pursued this to its fullest extent, and so we move to Ms Clay.

**MS CLAY:** Thank you, Chair. Attorney, it is always a complicated funding situation for our community legal centres, and we heard from a number of them on community day and we also heard from Legal Aid. Can you step me through the ACT government funding for the community legal sector, and, in particular, the funding that is going to help women and children and vulnerable people from this year's round?

**Mr Rattenbury:** Yes, certainly. I might actually invite my colleagues to provide you with the details, Ms Clay, so that we have all of the information on the table. Thanks, Mr Ng.

**Mr Ng:** Ms Clay, thanks for the question. I think your question was specifically in relation to measures to support women and children—is that right?

**MS CLAY:** Yes. ACT government CLC funding, but the funding that will, in particular, help women, children and vulnerable cohorts.

**Mr Ng:** Probably the most significant one I would point to is investment of \$598,000 in the Women's Legal Centre to provide funding for two lawyers to provide support in domestic and family violence matters, and also employment and discrimination matters. I would say that this is a manifestation of commitments the government has made under the legal assistance strategy and action plan. Two of the strategic directions under the strategy are to support sector sustainability and capability but also to get support to the individuals that need support the most in the access-to-justice space. Those initiatives have come out of discussions with the sector about the areas of legal need that are manifesting, and so that is a particular area that government has supported investment in—clients seeking support in the discrimination and family violence space.

**MS CLAY:** We heard a bit of evidence about a need for an independent children's lawyer or for greater access to independent children's lawyers—as in, lawyers to represent children when, particularly, there is a family law matter coming on. We did not actually get time to dig down into the detail, I confess, but we did have brief discussions about that with both Legal Aid and with Canberra Community Law. What resources do we have in the ACT for independent children's lawyers—lawyers who represent a child as opposed to other parties in the matter?

**Mr Ng:** Certainly, there are resources within Legal Aid ACT, and I think they largely do it from panel practitioners, so some in-house practitioners within Legal Aid which support that function but also private practitioners in the ACT legal community that

are contracted by Legal Aid to provide those services.

**MS CLAY:** Sure. Do you think those resources are sufficient? I do not know how you would gauge that given I am not sure how many 12-year-olds will instantly ask for their right to an attorney, but do you think there are enough independent children's lawyers on offer? Are you monitoring that at all?

**Mr Ng:** I understand that it is a priority area of legal assistance for Legal Aid to provide support in that space. I should say that in the independent child representation space there is the family law context but also the care and protection context as well. The Director-General of the Community Services Directorate is obviously the applicant for child and preventative care proceedings, but there are also a range of other parties. The families are often provided representation from Legal Aid, as well as an independent child representative.

**MS CLAY:** Yes, sure. The funding situation seems to be in some ways a little bit more settled this year than it was last year for Legal Aid and community legal centres. Although that is always a wildly exciting budget situation for them, with the federal sources and the statutory interest accounts and whatnot, I think the missing middle, the cost-of-living crisis, has rapidly expanded the number of people who cannot afford a private lawyer and are not eligible for Legal Aid, and the community legal centres simply do not have the resources to prioritise them. Are you seeing that there are more people who, for whatever reason, are not able to access legal advice?

**Mr Rattenbury:** Yes, we have certainly had that feedback, and it is one of the reasons we provided additional funding for Legal Aid this year—to enable them to increase the number of grants of legal aid and to also raise the income threshold of people who might be eligible. So, that does widen the pool of people, and I think that recognises that it is not just people who, perhaps, are on social security benefits but also might be people working but not earning high income, and so that is the rationale for that increase in funding for Legal Aid.

On your other point, I do think it is important that we ensure the community legal centres have continuity of funding and they get an early notice of that, and that is something I am certainly keen to work with the federal government on to improve as well. You touched briefly on the statutory interest account; of course, with the rise of interest rates, that is being replenished as a source of funding, and that is certainly a positive development for that stream of funding.

**MS CLAY:** Is that long-term recurrent funding for community legal centres likely to improve in future years?

**Mr Rattenbury:** It is something we will need to consider. Certainly, what the government has done in the last couple of years is step in where we have seen a significant fall in the funds available from the statutory interest account because of a reduction in the interest rates. The government has specifically stepped in to fill that gap, and so that has been our highest priority—to make sure that the services do not go backwards.

In terms of future years, I think as the population of the city grows, we will need to

increase the funding for community legal centres because demand has clearly grown. We saw a significant growth during the COVID period, and what these centres have indicated to me is they feel like their demand has not dropped back to pre-COVID levels. They got a peak during COVID, as more people were in crisis and had various stress points, but what we have not seen is a return to the pre-COVID level of demand. They say it is not as high as it was, but it has certainly not fallen back as far either.

**MS CLAY:** Yes.

**Mr Rattenbury:** So that is putting pressure on which will speak to the need. Between population growth and demand growth, and they are slightly different but obviously related in some ways, I am sure we are going to need to continue to invest in community legal centres.

**MS CLAY:** So the other benefit of recurrent funding for the community legal centres—of course their lawyers work for much less than they would earn elsewhere in Canberra.

**Mr Rattenbury:** Indeed, yes.

**MS CLAY:** And I understand that non-recurrent funding makes it much harder for them to recruit. Have you heard that too?

**Mr Rattenbury:** Yes, I have. Clearly, it is a wonderful thing that those lawyers have that conviction to their work. That said, just because you are working in the community sector does not mean you should be poorly paid or job insecure. That is where I think your point—and I agree with you about long-term funding and secure funding—is very important. We have certain examples where some of that notification is coming late, and I am very keen to improve our approaches so that people can get early notification of their funding and not the last possible minute.

**MS CLAY:** Yes, that is certainly helpful. It is pretty difficult to control demand for legal services, but what we heard during these hearings is that there seems to be an increase in the need to provide legal services to public housing clients for various reasons. That seemed to come up in maintenance, as well as in access, and in eviction rights and human rights sorts of areas. Of course, also, domestic violence is up. Is that what you are seeing with the increase in demand, or are you seeing different patterns?

**Mr Rattenbury:** I would really need to ask what is coming through.

**Mr Ng:** I do not have available in front of me right now any data on those issues. What I would say, though, is that in terms of the setting of the future direction of the funding activities in the legal assistance space, there was a mapping of the legal need that was manifesting in the Canberra community. That was assessed via reference to contributions from the community legal assistance sector but also non-government organisations that see the other sides of the issues that are manifesting for those particular people. Social housing was certainly one area which they reflected was an area of ongoing legal need, which is addressed by services that are provided by Canberra Community Law.

**MS CLAY:** Interesting. Attorney, do you feed-out ongoing policy advice? Nobody wants to end up in court, unless they are being paid to be there, so it strikes me that if we have increasing demand in areas like public housing or domestic violence, there are two ways to meet that: you can pay for a whole lot more lawyers and everybody can spend more time there, or you can actually address the root cause of the problem. Do you feed that trend information back into government policy directions?

**Mr Rattenbury:** In broad terms, yes, Ms Clay. I think the advocacy probably more directly comes from, for example, Canberra Community Law—they would be communicating with Housing ACT, with community services directorates. They would be providing on specific matters. But certainly, for example, ACAT has an ability under their legislation to bring systemic issues to the attention of the attorney. It is one of the more formal mechanisms that sits within there. Certainly, in my role in cabinet, I will contribute to a range of conversations and budget discussions where I am aware of particular trends that are coming through.

**MS CLAY:** Has ACAT brought any of those systemic issues recently?

**Mr Rattenbury:** I thought that would be the follow-up question. Yes, they have. We had a specific letter recently. I am trying to think—

**Mr Ng:** I am not sure it was in relation to social housing matters or matters of systemic pressure.

**Mr Rattenbury:** No.

**Mr Ng:** I would probably further the contribution the attorney made in that Housing ACT is probably a really good source and indicator and at the coalface of understanding and receiving those complaints, or disputes, about social housing matters. They will engage the resources of the government solicitor's office, but they will be actually receiving and dealing with all these complaints, which might be, on the side, enlivening the legal need from constituents.

**MS CLAY:** Thank you.

**THE CHAIR:** Let's try a quick one from Mr Cain.

**Mr Rattenbury:** I will endeavour to be succinct in return!

**MR CAIN:** Regarding government legal panels. Are there any majority female-owned law firms on the ACT government legal panel?

**Mr Rattenbury:** Mr Garrison?

**THE CHAIR:** Your moment to shine!

**Mr Garrison:** Mr Cain, the panel arrangements for our external legal services, as I think I indicated on the last occasion, are 24 firms covering 26 practice areas. I could not tell you the partnership breakdown of those firms. They do cover a broad range of size of firms from small, medium to, of course, the larger law firms, the national law

firms, as well.

**MR CAIN:** So you do not categorise to make sure there are some female majority firms in that list?

**Mr Garrison:** No, we do not do that as a criterion.

**Mr Rattenbury:** What we do have, Mr Cain, is that Mr Garrison will be able to give you some figures on the number of female counsel that have been engaged, which is a clear majority—

**MR CAIN:** That is not my question, though. My question is about who is on the panel, and whether there are any female majority firms on that panel. Is that something that you could explore, since there is just such a small number? Take it on notice please?

**Mr Garrison:** I will take that on notice, Mr Cain.

**THE CHAIR:** Thank you, and that draws us to a close. If witnesses have taken questions on notice, if you could please provide answers to the committee secretary within five working days of the receipt of the uncorrected proof transcript. Thank you, Mr Rattenbury, and thanks to all of those who have helped us with evidence today. We appreciate it.

**Short suspension.**

Appearances:

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

Environment, Planning and Sustainable Development Directorate  
Ponton, Mr Ben, Director-General

Bennett, Mr James, Executive Branch Manager; Building Reform, Design and Projects

**THE CHAIR:** Welcome back. In this session of the Select Committee on Estimates hearing, we will hear from Ms Rebecca Vassarotti MLA, Minister for Sustainable Building and Construction, and officials. The proceedings are being broadcast live and they are also being transcribed and published. If you take a question on notice, please be emphatic in saying that is what you are doing. Could you all, on the voices, confirm together for the record that you understand the implications of the privilege statement and that you agree to it?

**Witnesses:** Yes.

**THE CHAIR:** Minister, I note that we have received an opening statement from you, and I thank you for that. We will now proceed with questions. Minister, in relation to the recently passed legislation regarding registration of professional engineers, arrangements have been made to establish the administrative infrastructure to give effect to this legislation—for example, the appointment of a registrar, deputy registrar, supporting staff, and like. What FTEs have been allocated to this function and how much funding has been allocated for 2023-24?

**Ms Vassarotti:** Thank you very much for the question, Mr Parton. I might look to Mr Bennett. A significant proportion of that funding actually sits with Access Canberra as the regulator. We may not be able to answer the question fully, but I will ask Mr Bennett to talk about, certainly from the policy perspective, the resourcing that we put in place. Our responsibilities are primarily around the policy work, and that does continue with some of the work that we need to do about establishing the mandatory code of practice et cetera. Mr Bennett, I will ask you to answer as much as we can in relation to our area of this work.

**Mr Bennett:** Thank you, Minister. In relation to the Professional Engineers Registration Scheme, we have previously had initiative funding for that project, for development of the policy position, which then led to the legislation which has been introduced. In relation to the upcoming work around implementation following the passage of the legislation, in relation to EPSDD, that work will be undertaken within existing resources, in our Building Reform team. In the last budget, Access Canberra received funding for staff to implement the licensing arrangements or the registration arrangements around that scheme as well.

**THE CHAIR:** What, at this stage, is going to be the deadline by which all engineers must have registered?

**Ms Vassarotti:** In terms of establishing the program, we had 18 months to stand it up. We see that as the very end point. We are working towards a time frame which is in the first half of 2024. Again, I will look to Mr Bennett in terms of the details of where we are up to, but we are certainly working towards that time frame of having it up within the first quarter of 2024.

**Mr Bennett:** Thank you, Minister. We have been working on some options and have been developing that. We will be providing a briefing to the minister on that soon so that she can consider the options and make a decision about a fixed commencement date. We are looking, as the minister said, at early next year for that. We need some time to continue to work through the implementation tasks around appointing assessment entities and developing the phasing for different categories of engineers to be registered. We have been working on that and will be providing the minister a brief around the commencement date for that. That is proposed for early next year.

**THE CHAIR:** Excellent. That is all I need on that. Are there supplementaries?  
Ms Clay.

**MS CLAY:** Thank you, Chair. Minister, we have a new standard for seven-star energy efficient homes that came in last year. I am interested to know about the reception by the industry. It is a bit of a shift.

**Ms Vassarotti:** In relation to that requirement, the National Construction Code 2022 actually has a phased implementation. While the majority of the Construction Code came in in March this year, the new energy efficiency provisions are slated to come into effect in October this year. They have not commenced yet. We continue to work with the industry to get them ready for that change. There has been industry engagement since last year in relation to bringing in those new standards. This is the minimum standard. Certainly, industry is able to introduce a higher standard beyond the minimum. They have been able to do so for some time, but it will be from October this year that they will be required to do that. We continue to work with them to ensure that they are ready.

Again, I might look to Mr Bennett in terms of the ongoing industry engagement in relation to that. In terms of moving to a new standard, there are obviously technical issues that we will continue to respond to. I will be engaging with the Master Builders Association and the Housing Industry Association probably in the next few weeks in terms of some of the technical elements of how we implement this standard.

**Mr Bennett:** Thank you, Minister. In relation to stakeholder feedback and industry views, it is a bit hard to describe the industry as one sector. There is a broad range of views in the industry. Earlier this week, I attended the Australian Sustainable Built Environment Council meeting in Adelaide. That is a collection of industry bodies and peak bodies from around the country who get together. They have a real sustainability focus to the work. That group contains people from the Green Building Council, the PIA, the Master Builders Association, and the Property Council. All the national bodies get together. There is very strong support through those national bodies for energy efficiency changes and sustainability improvements in the electrification pathway.

At the more local level—that is, where we experience where the rubber hits the road and where particular associations and particular builders have to work through a change process and what it will mean for their business—that is a process that we have been working through with stakeholders for over 18 months, trying to provide as much certainty as we possibly can about the nature of the changes, and working through particular issues around implementation and what that means to the ACT. We have been involved in a lot of conversations and we will continue to do that. The feedback is positive and supportive, appreciating that there are some challenges as we move through that change process to a new system.

**MS CLAY:** Sure. What sorts of resources do you have to help with that? I will call it the training and implementation stage.

**Mr Bennett:** The provisions that we are implementing are national provisions. They are coming out of the National Construction Code. There is a whole range of information that has been provided by the Australian Building Codes Board to support those provisions and the implementation of those provisions. Where we have ACT-specific issues, we also provide guidance on those. There are a couple of areas on which we have been recently consulting closely with industry. We are preparing a package of information for the minister in the coming weeks to be able to release some further guidance on the application of energy efficiency provisions to extensions and renovations, for example, and how we can achieve the overall outcomes. It is acknowledged that there are some intricacies and nuance as we apply that to extensions. We will be providing that information to the minister shortly. That is based on feedback from peak bodies and major stakeholder groups here in the ACT. We are trying to—

**MS CLAY:** Great. Do you have dedicated FTEs or do you have new FTEs to do some of that work or is this existing—

**Mr Bennett:** The implementation of the National Construction Code is a core business function of our team and something that we fund out of our base resourcing.

**MR CLAY:** Thank you.

**MR PETTERSSON:** Thank you. I was hoping the committee could get an update on property developer licensing. And what did you hear in the listening report?

**Ms Vassarotti:** Thanks very much for the question. I am really pleased to report that the work that is happening around the development of the scheme is progressing really well and we are absolutely on track to be able to bring the legislation to the Assembly by the end of this year, probably in the November sittings. The process of engaging with the sector has been really useful in working through some of the key issues. We have really good feedback on some of the core elements and what needs to be identified in terms of a licence and a scheme. But it is fair to say that certainly parts of the industry would prefer not to see a licensing scheme in place. There is a view in some parts of the sector that self-regulation or other mechanisms might be appropriate. However, we believe the evidence is very clear in terms of the value of introducing a scheme and, certainly, as you would know, there is very strong community support

for this scheme.

What we are looking for is a regulatory package that looks to a licensing scheme that identifies a fit-and-proper person test in terms of a developer, defining who should be captured by the scheme—the core competencies and things that people need to have in place in order to undertake developer activity and have accountabilities, particularly when things go wrong. We are also looking at other things that we can bring into a broader regulatory package that potentially can do some things in addition to a licensing scheme. With that, we are looking at how we can provide better protection to consumers, particularly around things like defects. There are some good elements of regulation that sit in New South Wales, for instance, and so, if we are able to draw on some good practice in addition to the licensing scheme, we are quite keen to bring that into the scheme as a whole.

Again—this is why we put you at the front table, Mr Bennett—I might look to Mr Bennett to provide a little bit more detail in terms of what we have heard and how the scheme is shaping up, because we are getting clearer about the key elements that will be in the package that we will bring to the Assembly for consideration later this year.

**Mr Bennett:** Thank you, Minister. In relation to what we have heard, industry feedback is broad and varied. As the minister noted, there have been some sections of industry that have been a little bit wary of additional regulation. The feedback from those groups has been around understanding what the nature of the problem is that we are trying to solve and having clear and targeted regulatory responses to that. The other key takeaway from the stakeholder sessions that we have had with key industry groups is that there is general support from those groups for initiatives that will improve trust and confidence in the building and construction sector. So, while there is some wariness around regulation and ensuring that it is effective and targeted, there is general support for the broader impact that we can have.

Good regulation will obviously benefit the community through better building outcomes, but it will also benefit industry through improved consumer confidence and people being interested in purchasing apartments and units, especially off the plan. It is a really important part of the development process to secure off-the-plan sales, to give confidence to lenders that these projects can get off the ground and have success. I think that has been a key takeaway as well.

As the minister said, we are looking at a broad regulatory package that has some licensing elements to it but also some other elements as well. We are focusing on the dual benefit of regulation—that it is not just about having a heavy-handed response to deliver consumer outcomes but there are also some tangible benefits to development businesses to ensure that those businesses have financial capacity and financial capability and there is an assessment of the strength of those businesses. The businesses who seek to be licensed and participate in the scheme will get a really good health check about the nature of their business and any vulnerabilities, and it is a great opportunity to respond to that in appropriate ways to make sure that their business can continue to grow and thrive in the future. That is the dual purpose of the regulation, in addition to supporting the work around consumer protection and defects.

**Ms Vassarotti:** The other thing that I would say in closing is that there is a big conversation going on in this community about development and the evolution of this city. I think this is a key plank of the conversation. A key thing that we need to deliver to community is confidence—that, as the city evolves and it looks a little bit different, people are really confident around the quality of the developments that are put in place. We see this as a key plank, as well as the other work that we are doing in the building reform area, to build confidence in the community and across the city about what we are building—that it is of high quality and really meets the needs of people and responds to the climate emergency as well. These are all parts of the package in ensuring that what we are doing, which will be around for 30, 40 or 50 years, is of high quality and really delivers on how the community engages with the environment.

**MR PETTERSSON:** The listening report came out in May. What are the steps that remain in finalising the scheme before it comes before the Assembly?

**Ms Vassarotti:** We are currently working on drafting the legislation. That is occurring right now. We will continue to engage with stakeholders as we work through the final details of the scheme. We have had a positive response, and, as Mr Bennett noted, there is recognition that confidence in the sector is actually good for good developers as well. That engagement will continue. I do not know if there is any specific additional work, but we are in the guts of the scheme, working on all the elements and working through the legislative package so we are in a really good shape to be able to bring it to the parliament to consider by the end of the year.

**MR PETTERSSON:** Wonderful. Thank you.

**THE CHAIR:** On the back of that, given the momentum of this proposal, can I ask: has there been any pre-emptive funding included in the budget to prepare for the implementation of this?

**Ms Vassarotti:** Yes.

**THE CHAIR:** What does that funding cover? What funding is being provided across the forward estimates for this proposal?

**Ms Vassarotti:** Thank you for the question. It is a good question. What we have been looking at in the Building Reform team—this is an area where reform and significant new initiatives have become business as usual, in some ways—certainly since I have been in the portfolio, and I think beforehand, is significant initiatives and big reform packages. Our ability to be able to ensure that we have elements of the implementation package rolling in parallel is really important.

One of the exciting things about this project is mandatory codes of practice being developed as part of the initial package, whereas it was a staged implementation in terms of professional engineers registration. I will look to Mr Bennett to provide some of the details of it, but there has been specific funding provided for the delivery of this project. There is no doubt that it will still be phased, in terms of an implementation phase, but we have key elements of work that are being progressed in parallel on this project.

**Mr Bennett:** Thank you, Minister. We had a previous initiative around developer licensing reforms which has been used to fund the work up to 30 June this year and employ policy officers to do work. Looking to the current budget, the 2023-24 budget, we received funding for building and construction reform projects. As the minister mentioned, this is a key project in the sustainable building and construction portfolio. We have received funding for three FTEs to support the work program generally, and some of those positions will be used to work on this project.

We also have broader ongoing initiative funding for building regulation reform. That money is used to fund FTEs and also has a consultant component to it. There is money that we have available to draw in consulting expertise to support that policy work and the development of some of those key aspects that the minister mentioned around a code of conduct, arrangements to support a licensing scheme and what that would look like, and the education and awareness campaign that would need to go with that as well. We have a couple of sources of funding available to us to support that work as we go forward.

**THE CHAIR:** Thank you, Mr Bennett. I know that the legislation has not been completed, so some of these things you may not be able to tell me, but I am going to ask. When would you expect a developer registration process to actually come into effect? Which government entity will be responsible for administering and enforcing the provisions of whatever bill comes forward? And what cost impacts do you expect this might have on the ACT building industry?

**Ms Vassarotti:** Thanks very much for the questions, Mr Parton. We cannot answer some of those questions because we are still developing the scheme. We are certainly very focused on ensuring that we introduce legislation before the end of this year. We will obviously be in the hands of the parliament in passing that legislation. There are a number of options in terms of who would be responsible for the enforcement and compliance. Access Canberra is obviously an area that has a lot of building regulation functions. We are conscious of the fact that they are taking on more and more work in that area—

**THE CHAIR:** Big time.

**Ms Vassarotti:** so there are potential implications. That is an issue that we are working through: where it potentially sits best in ACT government. I will again look to Mr Bennett in terms of any additional information that we can provide. I was reflecting on the discussion of developer licensing with this committee. I feel that, even in the estimates process, we have gone through a bit of a shared journey in terms of how we are learning and developing this nation-leading piece of regulation. Some of the questions are still live questions.

**Mr Bennett:** Thanks, Minister. There are two points to respond to. We will be developing options for government to consider around timing when we put up that package of legislation. One thing that I will say is that we will be factoring in an appropriate transition time to allow people to comply with whatever the new licensing requirements are and the final position on that. The second point is around cost. With a licensing scheme, there will be a cost to obtain a licence. What we are exploring now are the costs and benefits of that licensing process. As I mentioned before, while

there will be a cost to obtain a licence, there are benefits that come with that. There are benefits to the increased consumer confidence. We are also exploring the flow-on effects for insurance that the development businesses would be looking to obtain and the decisions the insurance companies make about pricing risk into the projects.

We are looking to instigate a number of reforms throughout the portfolio and there will hopefully be positive impacts on insurance costs and insurance premiums for the players in the development industry. All these initiatives that go to improving overall building quality, improving the system and increasing consumer confidence will have cost benefits to the development industry and the different players within the building and construction industry. That is a piece of work that we are continuing to work through as we resolve the final elements of the scheme.

**THE CHAIR:** Thank you, Mr Bennett. Let us push on. We are back to me. We will see how far we can get in this, given that we are breaking at 3.15. Minister, these questions relate to the licensing of various trades categories, probably to expand the number of trades categories that would be subject to registration and licensing standards. Recommendations 31 to 35 of the 2016 *Improving the ACT building regulatory system* summary of proposed reforms are relevant and there may be provisions in the new National Construction Code. To be honest, I am not sure. I am not across that. My question is: what progress has been made with improving the licensing standards for the various trades categories that are required to be licensed in the ACT?

**Ms Vassarotti:** Thanks very much for the question, Mr Parton. When we have been looking at the registration professionals who operate in the building and construction space, we have been taking a risk perspective in terms of the most important ones to work on first. That is why we have been working to introduce the licensing scheme for builders. That has been the priority in the work program. I am certain the issue of trade licensing is on our work program, but we are working through the other processes prior to that in terms of our ability to respond. It is a very full work program at the moment.

We have been working on the national registration framework, which provides some guidance around the range of building practitioners. Quite a number of those sit within the national framework for which we already have licensing or registration in the ACT. Currently, we are looking at the existing frameworks against the national framework to identify where improvements can be made.

**THE CHAIR:** So it is a work in progress but not at an end point?

**Ms Vassarotti:** Yes.

**THE CHAIR:** That is sufficient for me at this stage. My understanding is that we are pausing here for 15 minutes, ladies and gentlemen.

**Hearing suspended from 3.15 to 3.30 pm.**

**THE CHAIR:** Welcome back to this estimates hearing. We will continue speaking with Minister Vassarotti and officials.

**MS CLAY:** Minister, the fidelity fund is currently under review, I believe. Can you tell me what you are reviewing?

**Ms Vassarotti:** For sure. We are reviewing the fidelity fund scheme. We are trying to make sure that the provisions of the scheme are contemporary and they are fit for purpose. We have been looking at a review of residential building work insurance regulatory settings, with a focus on elements that apply across the residential building work insurance market in the ACT. That is looking at things like the prescribed insurance amount, the time limits to lodge a claim, the period of insurance, and supporting claims by owner corporations for common areas, which has been an issue that has been identified.

These are in response to a number of recommendations from the inquiry into building quality in the ACT. We have been working closely, again drawing on expert advice and having industry and community engagement. We have an interim report that was provided on 31 March with draft findings and recommendations, and now we are working with actuaries to model the financial implications in relation to premiums and claims payouts if we potentially implement a range of changes to the insurance settings.

In terms of our time frame, a final report will be provided in the second half of 2023. We want to make sure that we are able to implement recommendations. That will include recommendations on any improvements that are required for the scheme to support efficient, transparent and continued operation.

**MS CLAY:** I might focus the questions a little bit. Was that in response to a change in claims profiling or is that simply in response to the fact that we need to have better protection?

**Ms Vassarotti:** There were a few drivers for it. There were certainly recommendations that were picked up in the inquiry's report that spoke to the fidelity fund. There were issues that were identified through industry and also through community experience, so there were a number of drivers. The fidelity fund was set up when we had the collapse of insurance across the country, so it was really important that we looked at it at a point in time. Have I missed any of the drivers, Mr Bennett?

**Mr Bennett:** No.

**MS CLAY:** We were looking forward to hearing from you, Mr Bennett!

**Mr Bennett:** I am happy with the minister's response.

**MS CLAY:** It is probably just a matter of watch and see what happens in the second half of this year.

**Ms Vassarotti:** Yes. I would reflect that it was a timely review. It will respond to some real issues. When we look at similar schemes across the country, particular things such as level of payout, we see that we sit at a point that is lower than a number

of other jurisdictions, so it certainly is a timely review. We will certainly see some changes as a result of the review. I think that we will see an improved scheme for the community through the review.

**MS CLAY:** Thank you.

**THE CHAIR:** Thank you, Ms Clay. Mr Pettersson.

**MR PETTERSSON:** I have a quick supplementary on that. Could you be a bit more precise about when you expect the review to be finalised?

**Ms Vassarotti:** Sure. I might look to Mr Bennett.

**Mr Bennett:** That is something that we are actively working on at the moment. We have engaged an actuary to provide some technical advice to us on a few matters relating to, as the minister said, the minimum prescribed amount and the impacts that changing the minimum prescribed amount might have on the premiums that are payable. That work is ongoing and underway and we are expecting that to be finished shortly. Following that, we will be able to finalise the report to the minister. The next couple of months is the time frame for that work.

**MR PETTERSSON:** How broadly have you consulted to get to where you are now?

**Mr Bennett:** The fidelity fund scheme is a scheme which is run by one particular organisation. I will get the exact words in front of me. It is a private sector managed not-for-profit enterprise. It is a particular group that is set up through a trust deed. It is an organisation which is at arm's length from government but has government oversight over the process. It is quite a technical and unique area of the system.

The particular fund that we have is run by a group called the Master Builders Fidelity Fund. It is not the Master Builders Association; it is the Master Builders Fidelity Fund. They have a services agreement in place with the Master Builders Association to provide some of the administrative back-of-house support.

In terms of consultation, and given the context of the fund and the technical nature of the work, we have been consulting with the trustees themselves—so we have been consulting with the fund—about their experience and operation of the fund over the years. We have also been consulting with the peak industry bodies that engage the services on behalf of consumers—the peak bodies being the Master Builders Association and the Housing Industry Association. We have also been consulting with our government colleagues who have expertise and skill in the area of insurance products—that is, the Treasury and the ACT Insurance Authority. There are also some particular community stakeholders who are quite interested in this particular project and have experience, having gone through the process of the fund, and we have been engaging with them as well.

**MR PETTERSSON:** Could the committee please get an update on your work to address security of payments in the construction industry?

**Ms Vassarotti:** Yes; for sure. Thanks very much for the question. We are looking at

the issue of security of payments, and there are a few stages of work that we have been looking at in relation to that. Some issues have been raised, particularly in terms of some suggestions of how we can align our requirements with New South Wales, particularly around things like timing. Nothing in the building area is an easy thing to respond to, but there is a fairly straightforward pathway to respond to that. We are looking at being able to respond to that quite quickly in a range of technical changes. That is what we are looking at in some of the building legislation that we will be able to progress in the next few months. There are some relatively immediate and straightforward things that we can look into, and then we are looking to a broader program of work in terms of the security of payments. Again, I am going to look to Mr Bennett to provide some detail on that.

The issue of security of payments is being looked at at a national level. I have been working with building ministers and it was on the agenda of the last building ministers meeting that happened in June this year. We were looking at what was going on in a range of jurisdictions. Some work has been happening in Queensland and they are quite keen for other jurisdictions to look at it and potentially get involved in their scheme. For a jurisdiction of our size, we are quite dependent on a range of the bigger jurisdictions to get involved in a scheme such as theirs before it becomes something that is feasible for us. We are certainly engaged actively in that conversation, particularly around a nationally consistent approach to security of payment. Mr Bennett, do you want to provide more detail?

**Mr Bennett:** Thank you, minister. As the minister mentioned, we have been doing a bit of work on reviewing security-of-payment laws in the ACT and have been working with colleagues across the country on that work. In relation to work that we have underway at the moment, we are suggesting some minor reforms to our ACT legislation to align with New South Wales. That is work that is planned for introduction later this year. That will have minor amendments to seek greater alignment with New South Wales on some of the timing provisions, recognising that there are lots of businesses that do business in the ACT and New South Wales and that are some real benefits to putting those businesses under the same framework around payment terms.

We also have a more comprehensive review of the work around security-of-payment laws planned for 2024. That is where we will be looking more broadly at our framework, the regulatory settings, but also some of the administrative settings that support that work. As the minister noted, it is quite a topical issue at the moment on the national agenda. We have been meeting with our colleagues recently, this has also come up through the commonwealth small business minister, and we have been supporting the work of the ACT government to provide some advice to the commonwealth on progress against the Murray recommendations. We feel that the ACT is in a pretty good place, but we have some opportunities to look at that. That is why it is on the future work program and officials from the different jurisdictions are continuing to work together ahead of the next building ministers meeting to provide advice to building ministers around principles, alignment and how we can continue to have effective and consistent national laws in that space.

**MR PETTERSSON:** On trades licensing, is there a time line that we are working towards?

**Ms Vassarotti:** As we know, it is on the work program but we are working through the priority areas. So we would be looking at a 2024 time frame as far as I understand it. Again, I will defer to Mr Bennett. I think one of the issues for us is that we do think there is a piece of research that needs to be done to identify the key—we are obviously working in with the national framework that is ensuring we deliver the outcomes for consumers and to ensure we are getting the very best outcomes. So, again, as is all building reform work, it is a process of stepping through it, but certainly I think it is on the work program for 2024.

**Mr Bennett:** Yes, it is something that is on the future work program. As the minister said, we are tackling the high priority areas at the moment around engineers and around developer licensing. It is something that, as the minister said, there is some detailed policy work we need to do in the future there and it is on the future work program. It has not been specifically programmed but is something we will be looking into once we get through this priority set of reforms.

**MR PETERSSON:** You tentatively say 2024 and that is fair enough. Are you thinking 2024 as in something delivered this parliamentary term or are you thinking next parliamentary term?

**Ms Vassarotti:** I do not think we will—just in terms of the priority activities we have on the work program, I think it would be very ambitious to suggest that we deliver it in this parliamentary term, to be really honest.

**THE CHAIR:** Just to be clear, based on your previous answer, I would have said that you have not yet fully identified which trades categories are in the firing line here, and when I say firing line, I mean have been identified as yet. Is that fair?

**Ms Vassarotti:** Yes, I think we are still doing that scoping work.

**THE CHAIR:** Minister, it is understood that states and territories are obligated to the implementation of the National Construction Code and that comes into effect, correct me if I am wrong, on 1 October this year. That is correct, is it not?

**Ms Vassarotti:** Actually parts of it are already in effect; parts of it came into effect in May. The two big new elements, which are increased efficiency standards and accessibility standards, begin 1 October.

**THE CHAIR:** Yes, and they are the ones that I am focusing on. This is where the energy efficiency and condensation mitigation requirements—according to the MBA most states and territories have allowed time for their industries to transition, but they are suggesting to me that the ACT wants transition completed by 1 October. I am sure you have heard this line from Master Builders but I am going to mention it again here. They are quite concerned about this and they would like more time and assistance for ACT industries. So, what progress has been made for the implementation on October first and how would you reflect on the MBA concerns?

**Ms Vassarotti:** Sure. You are correct, it is a proposition that has been put before us and all states and territories have done transition provisions including ourselves. This

was a decision that was made last year. So there has been 12 months and quite a lot of discussion leading into the decision that was made by building ministers in relation to energy efficiency. The ACT and myself as minister have been really clear we were committed to a fast but fair transition around these energy provisions, as we have talked about before. The buildings we will be building today will be standing for 30, 40, 50, 60 years and we do have an obligation to our community to ensure that these are buildings that are working for people as well as—

**THE CHAIR:** We all understand that, we all get that, but from the perspective of the MBA, are you telling me today that our implementation and our necessity for compliance is the same as New South Wales for argument's sake but also other jurisdictions, or is there a little bit more leeway being offered in other jurisdictions?

**Ms Vassarotti:** Other jurisdictions have different time frames in terms of implementation.

**THE CHAIR:** Why? It is a national code, is it not? Why do they have different time frames?

**Ms Vassarotti:** Because they have opted out of the standard transition. States and territories do have an opportunity to broaden out the transition time frame. We are sticking with the time frame that was agreed by national ministers. One of the things we continue to work with industry on is if there are technical challenges with implementation. That is something we continue to engage in, but we have been clear on both levels of these provisions in terms of our expectation that we will be operational for 1 October. It has been known for almost 12 months and we have been working with the industry in terms of the implementation of that. I think Mr Bennett noted there are some elements in terms of things such as renovations. We did not want to create a perverse incentive where energy provisions actually incentivised people to completely knock down a building rather than maintain a building, because, particularly in terms of embodied carbon, that would be actually a perverse outcome. So we have certainly been working on those elements. Again, Mr Bennett, I am not sure if there is more that you want to add in relation to those ongoing conversations, but we have been clear there has been a 12-month transition and we have been working with industry to support that transition.

**Mr Bennett:** Yes, I will just add that these provisions have been published for over 12 months. The decision was made back in August of last year for building ministers to agree to these provisions and to lock in the dates of May and October. The actual provisions themselves were published for several months before that as well. In terms of transition we have viewed the period of public knowledge and publication of those provisions as part of the transition period to get people ready, and that has, as I have said, been known for over 12 months.

**THE CHAIR:** I know you cannot speak on behalf of other jurisdictions, but do we know how many other jurisdictions have opted to go with a more staged approach to the implementation of this particular part of the code and why they have chosen to do so? I am sure that they, like the ACT, have these things published and everyone has known about this for 12 months. Do we know why other states and territories have chosen to delay? And do we know which ones?

**Mr Bennett:** I would say that it is not a case of comparing apples and apples. Every jurisdiction is different in terms of the way that they apply the National Construction Code in their jurisdictions. Some have automatic transition provisions already legislated in their jurisdictions—

**THE CHAIR:** Yes.

**Mr Bennett:** Some have histories around how they have always adopted, and so they have practice around that. The practice in the ACT has been that we have always adopted the provisions and we have not allowed transitions for applications going through DA or BA processes. So we have maintained a consistent approach with how the NCC has been adopted in the ACT in the past.

Jurisdictions have made decisions for a whole range of reasons, but different reasons. For energy efficiency provisions, for example, the application of those and the effect of those are different in different jurisdictions depending on the climate zone that they are in and the expected changes and benefits that they will get. So some have even decided to opt out on the basis of that. It has been a horses for courses approach to the decision around commencement. As the minister said, there was a national decision around 1 October as the commencement and that is what the ACT has continued to implement.

**THE CHAIR:** I am sure my office will continue to communicate with your office on this matter, Ms Vassarotti.

**MS CLAY:** Minister, I have a very small, specific question for you. Page 32 of the budget, there is a line item in there, “delivering reforms for sustainable building and construction”. Of all of the work you are doing, I cannot for the life of me work out which bit of that work that applies to. Can you tell me what that money is for?

**Ms Vassarotti:** Is that the 10-year pathway?

**Mr Bennett:** I think it could be. Sorry, is that the budget statement E?

**MS CLAY:** I imagine so. Yes. It is on page 32. The line item is “delivering reforms for sustainable building and construction” with about \$1 million budgeted this year. And then it drops off. So it is—

**Mr Bennett:** No. I can talk to that.

**Mr Ponton:** Yes. It is broader than that, yes.

**MS CLAY:** Yes. So it is \$1.026 million, and then it \$745,000 and then it is \$146,000 going forward.

**Mr Bennett:** There are three components to that funding. The first component is ongoing funding to support the ACTs contribution to the intergovernmental agreement for the Australian Buildings Codes Board. As a jurisdiction who participates in that process we are required to pay the ACTs component to contribute

to that. So that is one element of that funding. The second element of the funding is money for three FTE, which I mentioned a little earlier, for two years to support the delivery of projects. Then the final component of that is about \$300,000 for some consultancy money to support the development of the 10-year pathway Parliamentary and Governing Agreement commitment and that is funding over this current 2023-24 budget.

**MS CLAY:** Okay. That makes a lot of sense. That is why we need \$1 million this year, because of the consultancy and the intergovernmental board contribution?

**Mr Bennett:** Yes. So those three FTEs for the next two years, the current year consultancy funding, and then the intergovernmental agreement is the ongoing \$140,000 something—

**MS CLAY:** That is \$146,000—

**Mr Bennett:** Yes.

**MS CLAY:** So that is every year?

**Mr Bennett:** That is every year and that is ongoing funding.

**MR PETTERSSON:** I was hoping to get an update on public certifiers.

**Ms Vassarotti:** As you would be aware, looking at the issue of certification, particularly a public certification program, has been a commitment of this government and part of the parliamentary agreement. We are working through the options in terms of a scheme, particularly with a consultancy that is operating right now. Again, Mr Bennett, I will look to you to provide some details about where we are at in the project with the consultancy that is operating right now.

**Mr Bennett:** Over the last several months we have really ramped up our work on looking at some of the options we have in relation to delivering that Parliamentary and Governing Agreement commitment around establishing a team of publicly funded certifiers within the ACT public service. We are looking at that commitment as part of the broader building reform program we have and ensuring the options we can bring forward to government complement the work we are doing across the building reform program, so that we are getting some really good outcomes and that we are targeting our regulatory effort to those parts of the system where we can get the biggest bang for our buck and get the best outcomes for consumers.

In terms of the work on options for a public certification service, we put out a request for a consultancy earlier this year. We put that out publicly. We have since engaged a consultant to undertake some work to develop options and provide an assessment of those options. We are in that consultancy process at the moment. The consultants have been leading stakeholder workshops, getting industry feedback and engaging with technical experts across a range of areas to feed into that process. Now we are working with the consultants on the refinement of those options and then the analysis piece that will come next. We are hoping to have that work completed in the next couple of months. Then we will, as the directorate, consider that work and provide

some options to the government to consider about how that commitment can be delivered.

**MR PETTERSSON:** So that was, you are going to consider the consultant's report in the next few months?

**Mr Bennett:** Yes.

**MR PETTERSSON:** Okay.

**Mr Bennett:** Sorry, they are working for another few months. Following that, the directorate will consider that report and provide some advice to government.

**MR PETTERSSON:** Is there a time line you are looking towards for the implementation of public funding certifiers?

**Mr Bennett:** That depends on the options. So that is something we are not able to provide advice on just yet and have an answer on just yet. There is a range of options we are exploring for the delivery of that commitment and that will be subject to government decision-making around what the preferred option is. Then there will be associated time lines with that option.

**Ms Vassarotti:** This is a project that could be really big or quite targeted, depending on what the options are that government put in place. Certainly I am waiting for the advice to have a sense of what it means for government.

**THE CHAIR:** Can I ask then—I do not think I have to ask. At this stage, on the 27 July 2023, I think it is clear we do not have any qualified building certifiers that are employed in this expert team because it does not exist yet with ACTPS does it?

**Ms Vassarotti:** No.

**THE CHAIR:** There are none at this stage?

**Ms Vassarotti:** That is right.

**THE CHAIR:** That is correct?

**Ms Vassarotti:** Yes.

**THE CHAIR:** So how many do we expect to employ? I know you talked about this process and that it is still somewhat fluid, but how many do we expect to employ by 30 June 2024?

**Ms Vassarotti:** We do not know because—

**THE CHAIR:** Okay, so—

**Ms Vassarotti:** —if we completely—we have brought all of the current certification processes into government, that is a very different proposition to a group that is

looking at particular high-risk building activities.

**THE CHAIR:** I get it. Minister, given this was a priority objective of the Labor Greens agreement, does this constitute a breach of the priority policy objective outlined in the Parliamentary and Government Agreement for the 10th Assembly?

**Ms Vassarotti:** I would note a couple of things. This is a commitment of both parties. It sits in one of the appendixes of the Parliamentary and Governing Agreement. As we have gone through a range of the work program of the building reform area I would note that certainly within this term, we are delivering a range of commitments that have been made many years, sometimes a decade ago. The professional engineer's registration is one of those where that had been a commitment made a decade before. We are focused on bringing this commitment—

**THE CHAIR:** Clearly you will not by the end of the term. You just indicated to me that because it is agreed to by both parties, I am assuming what you are saying is that if it is both a Labor and a Greens initiative, it does not really matter when you implement it.

**Ms Vassarotti:** I do not think that is what I said at all. I actually said the opposite. We are working through a large program of work. This is a priority activity. We have just outlined the range of work that is progressing. We are more than a year out from the end of the parliamentary term. How the Parliamentary and Governing Agreement has been constructed is important and in terms of looking at the range of election commitments that the parties have made, this is absolutely a key piece of work that we have been working on, alongside a range of other significant priorities.

**THE CHAIR:** Thank you, Minister, and thank you to officials for the attendance at this particular session. If witnesses have taken questions on notice, please provide answers to the committee secretary within five working days of the receipt of the uncorrected proof transcript.

**Short suspension.**

Appearances:

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

Community Services Directorate

Wood, Ms Jo, Director-General

Aigner, Mr Geoff, Executive Group Manager, Housing Assistance Division

Spencer, Ms Valerie, Executive Branch Manager, Homelessness and Housing Programs

Henry, Ms Samantha, Executive Branch Manager, Client Services Branch

**THE CHAIR:** Welcome back. This, ladies and gentlemen, is the home stretch of this public hearing for estimates 2023-24 and is the eighth session for us today. In this session, we will hear from Minister Vassarotti, this time in her capacity as Minister for Homelessness and Housing Services, and officials. We thank you all for your attendance. The proceedings are being broadcast live. Proceedings today are also being transcribed and will be published on the Assembly website. If you are taking a question on notice, make it really clear that you are taking it on notice so that we are all on the same page. I remind witnesses that the protections and obligations afforded by parliamentary privilege and draw attention to the privileged statement. Could I get you all, on the voices, to confirm together for the record that you understand the implications of the privilege statement and that you agree to it.

**Witnesses:** Yes.

**THE CHAIR:** Excellent. Minister, I note that we received a written opening statement from you, and I thank you for that. We are not inviting opening statements in spoken form. We will now proceed to questions. Minister, page 11 of *Budget statements G* summarises the directorate's role in quality standards for entities providing community housing services. The supporting table says that the directorate achieves a 100 per cent outcome, which is a great result. How many community housing providers are entirely involved with Indigenous community housing provisions?

**Ms Wood:** Mr Parton, we do not have our regulator here. We had her for the other housing session.

**THE CHAIR:** Should I go to something else?

**Ms Wood:** I can say that we have one current arrangement with an Aboriginal community controlled organisation, but we are doing further work in that space. We can take questions on notice on that matter. We have Aboriginal and Torres Islander affairs tomorrow as well.

**THE CHAIR:** I am just going to push on with this one and see if there is any appetite or any genuine ability to answer. I am back on the current parliamentary agreement. I spend so much time reading that parliamentary agreement.

**Ms Vassarotti:** It is good to know that you do as well.

**THE CHAIR:** It has committed the government to the establishment of an Aboriginal controlled community housing provider in the ACT by next year's election. Minister, are you able to—

**Ms Vassarotti:** Unfortunately, this sits outside my portfolio of responsibility. I do know that Minister Berry has been doing work in this area. I am not sure if there are officials that are able to answer that question, but it does not sit in my portfolio.

**Ms Wood:** We could speak about the work on the Aboriginal community controlled sector as a whole in Aboriginal and Torres Strait Island affairs tomorrow with Minister Stephen-Smith.

**THE CHAIR:** I will see if we can deal with that tomorrow. We will go with something on notice. I am happy to pass to you, Ms Clay.

**MS CLAY:** Thank you. Minister, I think there is \$14.3 million for homelessness service providers in our budget. Have I got that figure right, in total?

**Ms Vassarotti:** There is actually about \$20 million that is provisioned over four years, but the bit over \$14 million is specifically outlined for this year and the outyears for homelessness services.

**MS CLAY:** Great. Can you run through the big components of that?

**Ms Vassarotti:** Yes; for sure. I note that that provision sits on top of base funding for homelessness services. For instance, in the 2023 budget, we have invested about \$132 million over the four years, which is the base level funding, as well as the \$20 million that we have put in initiatives above the base funding. In relation to what that funding entails, there are a few components. We have \$2.282 million over the next two years to continue to support accommodation initiatives. That is primarily for Ainslie Lodge, which used to be known as Winter Lodge; MacKillop House; and Axial Housing. And there is funding for the Early Morning Centre to provide a seven-day-a-week service. It was previously provided as a five-day-a-week service. We have \$1.2 million in 2023-24 to continue funding for the rough sleeper program and the Client Support Fund.

There is \$1.2 million in 2023-24 for hotel brokerages coordinated by OneLink, and the Domestic Violence Crisis Service. We also provided \$14.3 million to increase the baseline funding for specialist homelessness services over the next four years, and there is additional funding of \$461 million to enable the sector to support more complex clients. I will talk about that a little bit further. Some of the shorter term funding is because we are working through the commissioning process.

We also identified \$389,000 to increase the capacity of food services to respond to the increased demand and cost of food provision, particularly around the transport costs. Finally, we have \$256,000 for sector development and training initiatives. We are doing a big piece of work with the sector particularly around how we can work better

together as a sector and look at things such as common assessment tools.

In relation to a number of those initiatives, particularly the ones that have been funded for a single year, it is in recognition that we are working with the homelessness sector around commissioning. We are one of the first subsectors that has been doing the commissioning process, and that is a process that has been going really well, but it has been a phased process. There are two components to the system and the sector, particularly our work around the centralised intake service as well as how we engage with complex clients. When we got to the end of the first phase of the commissioning process, there was a collective view that we needed to do more co-design work, so we have put in place interim processes while we work with the sector around that co-design work. Therefore, there is interim funding rather than long-term funding. Particularly that \$461,000 provides us with some additional capacity to respond to the fact that we know that there are gaps in the current service system, particularly as it pertains to complex clients, so we are working with the sector around that.

**MS CLAY:** I will check the transcript. I am not sure if you said \$461 million or \$461,000, but I will check when it comes out. I assume that, for most people who are receiving these homelessness services and food crisis services, their exit pathway is usually into public housing. Is that a reasonable assumption?

**Ms Vassarotti:** There are a number of pathways, but certainly for vulnerable clients, social housing and public housing is a defined pathway. Many of our clients have come into the homelessness sector because of their inability to operate in the private rental market. Particularly in a rental sector where there are few opportunities at the lower end of the market, public housing is a well-defined and common exit point for people who are accessing the homelessness sector.

**MS CLAY:** We have heard quite a lot in these hearings about public housing. Do you think there is enough public housing to provide that exit?

**Ms Vassarotti:** There are 3,000 people sitting on the wait list for housing. Certainly, there is a need for more public housing here in the ACT, as well as across Australia. I think we have seen chronic underfunding of public housing across the country, and the fact that we are living through a housing crisis has exacerbated demand. We have seen a significant increase in demand. There is a long tail that has come from COVID, absolutely, but the inequality crisis and the housing affordability crisis have seen an increased demand and need for supported accommodation through programs like public housing. I believe we need more public housing to meet that need.

**THE CHAIR:** Could I ask a supp on the back of that, please. Ms Vassarotti, you are an optimist at your core.

**Ms Vassarotti:** I am, indeed.

**THE CHAIR:** I note your description of the commissioning process and how well it is going. I have heard from some people who are dismayed by the commissioning process and how it is being rolled out. I reckon you could hazard a guess as to who some of those people are. Why is it causing such angst for some providers? There are some who have expressed a concern to me that there are some service providers who

have been providing services for a long time and, from their reckoning, are likely to miss out for various reasons. For some it is that, although they may be competent service providers, they are not so good at working their way through the systems. What is your response to that?

**Ms Vassarotti:** It is a really good question and I am really happy to speak to it. Fundamentally, one of the things I would reflect on is that a range of commissioning processes are going on at the moment, and the specialist homelessness subsector is one of the first areas that is going through that process. Commissioning is a stressful process. I have sat on the other side of tendering and procurement processes and, it does not matter how well a process is run, it is an unsettling time for organisations and staff that are doing important frontline work. I would reflect that we have had quite positive feedback in terms of how the homelessness commissioning process is going, particularly in relation to us being one of the first subsectors that are going through that.

What we are fundamentally trying to do with the commissioning process is doing procurement and tendering differently to the cookie-cutter approach of “Let us throw everything up in the air and just leave it to the market and see what happens.” In fact, we have tried to design this commissioning process in a way that brings in people who are on the front line and actually understand how the sector works to be part of the design process.

We have tried to design a process where we are not trying to pit everyone against each other. We recognise that there are some organisations who come to this process with long records of delivering particular tailored services to the community and there is not anyone else that is able to bring the same level of expertise and understanding of their client group. We also have a situation where people are bringing significant additional resources, their own resources, to the table, whether it be facilities or other organisations. The way that we have designed the commissioning process has tried to respond to that, so we developed criteria in terms of looking at different procurement methodologies, depending on some of those issues.

In terms of our first phase of commissioning, we have been doing direct approaches that respond to exactly the issues that you have identified. That process has involved 12 organisations and those contracts are now in place. We have another set of organisations that we have identified. As you say, these are proven providers who know their business well, so we have designed select processes where a group of known providers are invited to participate, and then we have more open processes where there is the opportunity to see who else might be able to provide services.

We have also tried to bring in supports, so we have provided small grants to organisations, particularly recognising that we want organisations who are actually able to deliver the services to be successful in these processes rather than organisations who are good at writing grant proposals.

**THE CHAIR:** That is a sufficient answer for me. I thank you for responding. Mr Pettersson.

**MR PETTERSSON:** In recent months, I have seen an uptick in the number of posts

on the Canberra subreddit from people concerned about what they think is an increase in the number of people sleeping rough in our town centres. Is there potentially a more accurate count as to how rough sleepers in our town centres are going?

**Ms Vassarotti:** Thank you for the question. I can really understand people's concerns around the issue. Visibility around people who are rough sleeping has increased. It is something that I have noticed as well. The work that the rough sleepers working group has been doing has really been focused on getting a clear and accurate picture of the number of rough sleepers. I will probably look to Ms Spencer to provide a little bit of detail in relation to this. I was looking at data only this week in terms of the numbers of known rough sleepers that we have. There is generally a group that we can be really confident about, and then there is a subgroup where we are pretty sure that these count as individual people, but, because people might be accessing a range of services, we a little less certain of the exact number.

My understanding is that it has been relatively stable. Some of the work that we are doing in the next codesign process, particularly around complex clients who are visibly sleeping rough, is so that we can be confident that they are accessing services that are available to them. There has been some really good innovation. I would note St Vinnies who run the Street to Home program. They have been looking at their model and have provided some additional resources. They have changed their hours of operation. They are now going out with the night patrol as well in terms of ensuring that we have really good connections with people who are sleeping rough. We recognise, particularly for people who are sleeping rough, it is potentially going to take some time to build trust and to build people's capacity to engage and access services, such as new services like Ainslie Lodge.

I will look to Ms Spencer to speak specifically to the work that is being done in terms of us being very confident about the number of rough sleepers and being confident that we know that they are accessing services and, when they are ready to be provided with emergency accommodation, we are able to meet that need.

**Ms Spencer:** Thanks, Minister. The minister is correct. There are a number of supports in place. The rough sleeper program led by OneLink and a number of providers in the sector are key to understanding and knowing the individuals that might be sleeping rough.

The data that I have, between 1 January and 31 March this year, shows there were 54 rough sleepers referred to services. Minister you are correct: the number is relatively stable in terms of the number of sleepers that the sector can name and identify. There is, of course, a cohort that fluctuates and sometimes it is a bit difficult for the sector to actually track rough sleepers. This particular project has significantly helped with that. I have some data. Out of the 54 clients that were rough sleeping in that period, 19 have achieved their housing needs and no longer request support. Eleven of the rough sleepers are still being supported, and a number have disengaged with the program, but that does not mean that the service is disengaged with those individuals. Certainly, St Vincent de Paul's Street to Home and others are very active in continuing to provide supports and services to rough sleepers, even those who have disengaged. It does take some time to build trust, provide the supports and encourage rough sleepers to engage with those supports and services. Even transitioning to accommodation can

be a quite difficult transition for some people.

**MR PETTERSSON:** You used the phrase “relatively stable”. What time frame are we talking about?

**Ms Spencer:** As an example, in terms of the 54 being stable, the 2021 census that came out just this year, and we know that is point-in-time data, showed that there were 57 or 58—I will have to check the number; I have it with me—rough sleepers at the time of the census. Looking a year or two in, at 54, it is relatively stable over a reasonable time period.

**MR PETTERSSON:** Regarding the anecdotal observations over the past couple of months, is there an ongoing count that might be able to put some evidence behind those observations or is it a case of doing a count once a year?

**Ms Spencer:** We do regular counts in terms of the number of rough sleepers. I do not have the trend data in front of me, but we could certainly provide that on notice.

**MR PETTERSSON:** Wonderful. Thank you.

**THE CHAIR:** Thank you, Mr Pettersson.

**Ms Vassarotti:** Can I correct the record? In terms of the direct sourcing—the number of organisations that we have done a direct source approach to—I want to note that it is 13, not 12. I think I said 12; apologies for that.

**THE CHAIR:** This question drifts into the other minister’s space, but it is sufficiently in yours that I am hoping for an answer. This question relates to public housing; generally, it relates to the handling of vacant properties and how they become available for placement for Housing ACT tenants. What part of Housing ACT provides the advice on what properties are available now, so that you get advice that, “This property and that property are online now and available for tenants”?

**Ms Vassarotti:** I might look to officials to provide the detail. Certainly, my part of the portfolio is enlivened when properties are handed over to the allocations team.

**THE CHAIR:** Yes, that is the wording I am looking for.

**Ms Vassarotti:** A property will be handed over to the allocations team and there would be a process to identify a match between the property and people who are on the waiting list to whom it would be appropriate to make an offer.

**THE CHAIR:** In terms of that process—and I can already take it from your answer that you are not on the job there; you are not the minister responsible until it gets to the allocations team. There is no role for you in reviewing the stock of vacant public housing dwellings and deciding on which are available for tenancy and which are not.

**Ms Vassarotti:** No, that is not part of my responsibility. Certainly, we have a regular, ongoing conversation, particularly around turnaround times and in having confidence that properties that are provided to us are at the point of allocation as quickly as we

possibly can. It is not something that is in my sphere of responsibility. Obviously, it impacts significantly on my part of the portfolio, so I am absolutely engaged with officials, particularly in terms of that indicator of turnaround times.

**THE CHAIR:** I would like to believe that, although we fight sometimes, you and I, Minister, all of us in this room are trying to bring about good outcomes for people.

**Ms Vassarotti:** Absolutely.

**THE CHAIR:** On that front, you must get a lot of the same emails that I get. When you become aware through constituent feedback, for argument's sake, that public housing dwellings have been vacant for a long time, irrespective of the fact that technically it does not sit in your portfolio space, do you do what you can to have those issues investigated?

**Ms Vassarotti:** Absolutely. You are right, Mr Parton; we all want the same outcome. We want to house as many people as we possibly can, particularly those who are in need. In my office I certainly get those inquiries about what is happening in a particular property. One of the real challenges is that often there are things going on for tenants and households in properties that are not really visible to the rest of the community.

**THE CHAIR:** No, I understand.

**Ms Vassarotti:** Sometimes a property can look vacant and actually not be vacant, or there might be a very good reason why a tenant is not accessing a property at a particular point in time. As we have also talked about, there are a variety of reasons why a property might be vacant. It might be that it is in between tenancies and it needs some repairs and maintenance; it might be because it has been identified as a property that is in the growth and renewal program; it might be a property that has been slated for disposal because it is at end of life. There are a variety of reasons for that. We certainly follow up on those constituent issues and work closely with Minister Berry's office on those issues.

**THE CHAIR:** In closing on this line, when the allocations team, for example, gets advice that there are 15 vacant dwellings that have just become available to you today, and you have 136 applicants on the priority housing waiting list—this answer could go on until midnight, I reckon.

**Ms Vassarotti:** How do you make the decision? Yes.

**THE CHAIR:** How do you decide which 15 will succeed in getting that placement?

**Ms Vassarotti:** It is an incredibly difficult decision to make. I will look to officials to work through the process. As you would know from the constituent letters that you get, there is incredible need. It is about having the ability to make the call about how to make an appropriate offer. We provide tenant choice in that process as well. That also impacts on some of the timings. Something might look perfect on paper for a tenant and, for a whole lot of good reasons, the tenant might identify that it is not an appropriate property for them. That is why we have this process. I will look to

Mr Aigner to provide a bit of advice about the process that the team works through to make some really hard decisions.

**Mr Aigner:** There are two pathways for a property to become vacant and offerable, and I think that is the area that you are interested in, Mr Parton—where a property is now vacant and offerable by the allocations team. The two pathways are either a new construction or a purchase, or a property that has been through a vacant turnover and has come back to offerable stock. Before it hits the allocations team, that team has visibility regarding when the house or the unit will become available, so they can start to think about what that may line up with.

It is not about a bunch of keys being delivered to a desk. Through our systems, we are able to see that that property is becoming available and we can start to pre-allocate. When it comes to the point of actual allocation, we have the keys and the dates are set, the team then works with a very defined allocations policy, which lays out who is entitled and at which point—the growth and renewal program, priority applicants, any transfers, urgent transfers, that may be there. It is about balancing that with the kind of property, because we are looking at area preference, disability access, if appropriate, bedroom size, and a number of other factors.

At that point there are a number of things to mix together. There is no mathematical formula for that or any kind of system that allocates a property to a person without human intervention. That is all done by the allocations team. It is about understanding the people that are on the priority list and looking at whether that property meets their needs.

I will hand over to my colleague Ms Henry in a moment to talk about how we stay on top of that, because we really do stay on top of that. We want to move the property as quickly as possible. There is a very prescribed process to make sure that we are moving properties out the door as quickly as possible.

**Ms Henry:** Yes, there is a very clear process that we follow. In terms of identifying who needs a property, I will take you back a step to the application and assessment process. It is based on a triage method, where we assess people according to the risk that they are facing, and what that means in terms of the urgency for housing need. The assessing team work really closely with the allocations team, once they have completed the assessment process, to flag any high risks for people coming through that process so that they are on the radar.

They constantly talk. There is a lot of collaboration between the teams to ensure that we are up to date and current on the circumstances of each tenant. We also conduct formal reviews of the priority waitlist. At least every three months we do a formal review, but it is often done a lot more than that.

I will give some stats on that. They have managed to increase the number of properties that they have allocated to people by 55 per cent. We have seen a 30 per cent reduction in people on the priority waitlist. That is comprised mostly of women and children that have been housed fairly quickly—coming off the priority waitlist.

**MS CLAY:** On that last figure, a 55 per cent increase: what is the number that it has

increased from?

**Ms Henry:** I do not have the number in front of me. I can take that question on notice.

**MS CLAY:** That would be great, thanks. A 55 per cent increase sounds great, but it makes a difference if it is—

**Ms Henry:** Sorry, Ms Clay; I do have the numbers. For the previous financial year, we allocated 444 properties, and in the last financial year we allocated 689 properties—an increase of 244 properties over the financial year.

**MS CLAY:** Minister, thank you for your honesty. This is a pretty difficult topic. You have got responsibility for the waitlist, and you have acknowledged that, with 3,000 on it, there is not enough public housing. You have responsibility for homelessness, which is a difficult position. We have heard a lot about why public housing in the ACT has not been rolling out as quickly as we would like it to over the last couple of years. I do not mean to verbal anybody, but I will run through some of the things that I have heard over the last couple of years.

Delays with supplies and labor, and delays to all construction, also affect new public housing. We have heard quite a lot about ACAT appeals. We got a bit more information on that in these hearings. I was quite surprised that, when we pushed for numbers from Minister Berry, the housing minister, she initially said that almost all new public housing dwellings are subject to an ACAT appeal. It then turned out that 36 new dwellings had been subject to an ACAT appeal. The rough figure I was thinking was that they are trying to build 400, so that is not nearly all. It is a chunk, it is difficult, it is a delay, but it is not nearly all. It is 36 of them.

We had a chat to the SLA and the CRA yesterday. They often allocate a certain amount of social or public housing in their new developments. When I asked them if they would allocate public housing as part of Acton waterfront, they said that they were unlikely to because they thought it was unlikely that Housing ACT could afford the land. They thought they would allocate some social community housing or some affordable housing as part of that, under a different model, but they did not think it likely that Housing ACT could afford that land.

That struck me as a shame too, because obviously those houses are going to be built. There are no delays to the construction industry, labor or supplies that are the problem. The problem is that Housing ACT could not afford it. I have heard different reasons in the last two weeks for what the actual delays are from reasons that I have previously heard. The picture is expanding and changing quite a bit. Do you have a view on why we cannot have more public housing and have it delivered more quickly?

**Ms Vassarotti:** Some of the challenges around delivery in the building and construction industry over the last couple of years are in the public domain. We certainly know that there have been some significant challenges in delivering housing across the board. We have been really conscious not to consider COVID as an excuse, but we have to remember that we did actually shut down the building and construction industry, and that had some pretty significant and ongoing challenges.

We know that we have seen significant issues around supply chains from COVID and from the war in Ukraine. Who knew how much of our timber came from Ukraine and impacted supply chains? Even some of the interventions that happened through COVID, such as the HomeBuilder program, really sucked the capacity out of the building and construction sector, which was working on renovations when we could have been building public housing with that taxpayers' money. What a wasted opportunity that was.

There have been some really significant challenges that were outside everybody's control. There is no doubt that there are opportunities for us to do more in delivering public housing. One of the things that we have seen for a number of decades is governments of all stripes not investing enough directly in public housing. If we want public housing, the best way that we are going to deliver that is through direct funding to enable that to happen. This budget does see some direct funding to support the growth and renewal program, and we have seen the provision of \$50 million from the federal government to provide direct funding to public housing. These are some good signs in terms of how we deliver more public housing.

There are absolutely more opportunities. When we look at the delivery of housing across our suburbs, we need to be really deliberate in what we do in order to ensure that we deliver public housing. I am uncomfortable with the idea of an enclave of housing in an area such as Acton waterfront, an enclave for people who are very wealthy. There are a range of interventions that we could do to ensure that we provide public, community and social housing.

We need to make deliberate actions of government. Inclusionary zoning is one methodology that is being looked at in other jurisdictions. I think that is worth us having a look at. As we roll out new areas, we need to ensure that we take the salt and peppering approach—this idea that we have levels of affordable social and public housing in all our areas. We need to look at that particularly with some of these high value areas. That will come with the intervention of government.

**MS CLAY:** Thank you. We ran out of time yesterday, so you might be able to explain this to me. I am sure the CRA and the SLA could have explained it to me, but we did not have enough time to ask. Why is it that, when I ask about the Acton waterfront development, they say Housing ACT could not afford to build there, to develop there? What is the business model? Is Housing ACT required to buy the land at the same rates? Is it not subsidised as part of the development?

**Ms Vassarotti:** This is straying outside of my portfolio—

**MS CLAY:** If it is not for you, I will put it on notice to somebody else.

**Ms Vassarotti:** It is definitely outside my portfolio.

**MS CLAY:** Yes; sure.

**Ms Vassarotti:** Certainly, from an SLA perspective—and, I assume, a CRA perspective—at this point in time they are required to sell land at market value—

**MS CLAY:** Yes.

**Ms Vassarotti:** It does not matter who they sell it to.

**MS CLAY:** Thank you.

**MR PETERSSON:** I want to circle back to the industry constraints that the construction industry is experiencing right now. In the short term, potentially how much capacity is there to deliver more public housing?

**Ms Vassarotti:** I am not an industry expert. My engagement sits outside that portfolio. There is development happening in this town. There are certainly constraints, but there is development activity and there are projects being delivered in this city right now, so there is capacity within the sector. It is about how organisations like Housing ACT are able to respond to that. I do hear from the industry that it is under pressure. Certainly, the issue of skills, the issue of cost of materials, and even access to materials, is an ongoing capacity constraint across the sector. It is not something that is necessarily targeted just at the delivery of public housing. It is a sector-wide issue. But there is development activity happening within this city right now.

**MR PETERSSON:** Thanks. There is \$1.2 million in the budget for hotel brokerage coordinated by OneLink and the Domestic Violence Crisis Service. Is that one bucket of money or is that two separate amounts of money—one for each of those entities?

**Ms Vassarotti:** There is an amount allocated to those two different organisations. In terms of what the split is, I will look to officials. Ms Spencer.

**Ms Spencer:** Thanks, Minister. Thanks for the question. Yes, that is correct. The hotel brokerage funding as part of the 2023-24 budget is separated between OneLink and DVCS.

**MR PETERSSON:** Do you have a breakdown?

**Ms Spencer:** I do. It is \$615,000 for OneLink and \$541,000 for DVCS, for hotel brokerage for 2023-24.

**MR PETERSSON:** How many hotel nights is that equivalent to?

**Ms Spencer:** I would have to take that on notice. I do not have the breakdown of anticipated nights for the 2023-24 financial year. We do know that for last financial year, 2022-23, OneLink accommodated over 150 individuals and families in hotel accommodation. We know that DVCS accommodated approximately 160 families and individuals in the last financial year.

**MR PETERSSON:** Is it better to ask about individuals and families, as opposed to hotel nights?

**Ms Spencer:** I would have to take on notice whether we have got the data on hotel nights. I suspect we do, but I just do not have it in front of me.

**Ms Vassarotti:** I think it is fair to say that we are accommodating a range of different people. Obviously, accommodating a family is going to be more expensive than accommodating an individual. What I would say about emergency accommodation through hotel brokerage is that that absolutely is an accommodation option of last resort. That is less than ideal. This is an option that we provide because if people were not provided with that accommodation we would have families sleeping on the street. It is certainly the last option. As part of the process that we are working through with the sector, we would love to be able to directly find a better approach than hotel brokerage. This is an option that we bring to the table to ensure that people, and particularly families who have no other option, have somewhere safe to sleep at night.

**MR PETTERSSON:** No disagreement from me. I am trying to, for my own benefit, quantify what that actually translates to. In terms of that \$1.2 million, do we have some figure as to how many individuals or families we think we are going to be accommodating with that amount of money?

**Ms Spencer:** I would have to take that on notice. It is hard to guess. We could estimate. As the minister said, it depends on each individual, each family circumstance. Some families and individuals may require a longer stay, for various reasons; others might require a shorter stay. I will take it on notice and see if we can provide some information about what we are anticipating—hoping that the reality is a maybe a different picture.

**MR PETTERSSON:** Fair enough. Thank you.

**THE CHAIR:** Minister, we get considerable constituent feedback on “the shortcomings” within Housing ACT, as it says here in my question. I think I would characterise it as Housing ACT at times being overwhelmed and not being able to deal with these constituents at a sufficient level. Public housing tenants often tell me that they have not had a housing manager for a long time or that their housing manager is ignoring them. What is the average case load given to each housing manager?

**Ms Vassarotti:** Thank you very much for the question. I will look to officials to provide some detail. We have a standard housing manager and, particularly for clients who have complexities, we have housing practitioners as well. I think the case loads are different, depending on those situations. We also have housing managers that might be attached to some of our multi-unit areas, so it is a little bit complicated. I will look to officials to provide some info.

**Mr Aigner:** Thank you, Minister. Thank you for the question. I will hand over to my colleague Ms Henry in a moment. Looking at the portfolio size of a housing manager on its own can be a little bit misleading because a lot of the work that we are trying to do in our service response across all of Housing ACT is about improving how we respond to what clients need, and housing managers are just one part of that. We admit that probably there has been an over-reliance on housing managers in the past.

As I mentioned last week, there is no part of Housing ACT which is standing still at the moment. There is a whole lot of transformation taking place which is trying to improve that service experience. It all fits into seven principles: more time with

clients and less paperwork; self-service for clients; a one-stop shop so that you get your question answered by the first person you speak to; centralising our system so that you only have to tell your story once; digital as the primary channel; breaking the reliance on individual officers, including housing managers; and measurement of everything we do. We are not there yet on all of that, but all the work we are doing is about that. A large part of that means that you do not need to talk to your housing manager. They could be on leave, they could be sick, we could have a new person in place, so you can get your question answered, hopefully, by whoever you reach out to. I will hand over to Ms Henry.

**Ms Henry:** Thank you. That is a really interesting question, and one that I anticipated talking about. We have done a lot of work around portfolios recently. We have a total of 43 housing managers at the moment, and portfolios can range between 200 and 300 tenancies. I know that seems like a vast range, and it can be, but that is divided into four regions. We have south, we have north, we have central, and then we have our connected communities, which is our multi-unit properties of 15 tenancies and above.

Over the last few months we have worked quite extensively on looking at the weightings of the portfolios and what that means in terms of how we assign them to each housing manager. The weighting applies a points system across the tenancies in each portfolio. We then apply that across the entirety of tenancies. It is not just about 10,000 tenancies, divide them by the number of housing managers and that is your number of portfolios. We take into consideration a number of variables that are our weightings. They can include domestic or family violence concerns that tenants might be experiencing. There might be antisocial or aggressive behaviour flags that we consider. There might be access order or ACAT proceedings. There can be chaotic living conditions, such as hoarding and squalor, which can increase the complexity for a housing manager response. There could be health or community support requirements, and so forth. Even the number of bedrooms in each property can assign a different type of weighting.

We have just gone through what we have called a portfolio spill and have redeveloped and redistributed all of those portfolios. They are now sitting at between that 200 and 300, but we are reasonably confident, as much as we can be, that each housing manager has the number that they can cope with in response to the level of complexity that they need to apply to each of those tenancies.

**THE CHAIR:** So there are 43 housing managers. They are absolutely pivotal, really important people. On many days I am sure they are more important than the minister because they are at the coalface. What is the turnover on those positions? What is the average vacancy rate? Are we losing some and are they difficult to replace?

**Mr Aigner:** From memory—and I am happy to confirm later—it is around 13 per cent for Housing ACT. I cannot speak to the housing manager number. They are not easy positions.

**THE CHAIR:** No; I do not doubt that. I do not know who to look to for this one. What is your sense of the morale level of housing managers? I know that, as the shadow minister, there are days dealing with housing issues that I am crushed by, so I cannot imagine the level of potential stress for people who are dealing with 200 to 300

tenancies. It is a different space from so many other areas of government because we are talking about people's lives, 24/7. What is your sense of the morale level in those positions?

**Ms Wood:** Mr Parton, I might start this answer, and then I am happy for Mr Aigner to add to it. One of the things that we are looking at across CSD is a more fulsome approach and a joined-up and consistent approach to staff wellbeing, particularly considering our staff who do client service delivery, because we do a range of complex client service delivery. Housing is very complex. Child protection is very complex. We are seeking to ensure that we have some really good supports for staff across the board and supports for the managers of those staff. That work is happening as a whole-of-CSD effort.

We are using tools like the ACT public service staff survey to check in on the wellbeing of staff. We are able to look at those reports down to branch level. We are looking at them at a division level and a branch level and that is prompting a conversation with staff directly about what those results mean for that work area. Mr Aigner is working through the process at the moment of having those conversations with staff.

**Mr Aigner:** It is a great question. Thank you, Mr Parton. At the highest level, as I said before, these are not easy jobs and they are not for everyone. The biggest frustration is probably not what you expect for people on our front line. It is not about dealing with the complex issues; it is about not being able to be out in the field enough. The people we hire and the people who stay and are satisfied with their roles want to be out there, working with our clients and supporting neighbourhoods and communities. Where they get frustrated is with our inability to do that because of the systems we have or the processes we have.

That is the work that we are doing every day to allow people to be more in the field, and we know that leads to more satisfaction for the people who feel that this is the right job for them. We support them to do that, so our orientation processes and onboarding processes are getting longer. We want to make sure that people are ready to do the job. We have developed learning pathways for the role which are specific to housing, not just to the Community Services Directorate. We have done a lot of work on trauma-informed practice, safety in the field, de-escalation processes and operational awareness. We are throwing a lot at this, all with the intent of being able to serve clients more and better.

**THE CHAIR:** How many tenants today, on 27 July 2023, do not have a housing manager in place at the moment? Is it possible to answer that?

**Ms Henry:** I would have to take that question on notice to get you the exact number.

**THE CHAIR:** Take it on notice and see how you go. Minister, my office, my staff, have reported to me, in this six-month period, three occasions where tenants have contacted my office. These three separate tenants indicated that the advice they got from their housing manager was that they should contact me, as the shadow minister to get this problem—problem A, problem B or problem C; whatever it was—sorted out. Does that concern you? Is that the way the system should work?

**Ms Vassarotti:** It is not the way the system should work. Our reflection is that, when a person is contacting a member of parliament or the minister, they are at a point of great distress and frustration. That approach can sometimes be a bit of a circuit-breaker. When we get approached, my approach from a ministerial perspective is that we are not going to intervene in a case, because that is not appropriate. We have talked about the difficulties in the decisions that are being made. What we can do is hear a person's experience. We can identify if there are policy concerns and things we need to address at a more systemic level. We can also identify where things have slipped through the cracks, where there is information that might have been lost and where there has been a communication breakdown.

I know that, through our engagement with your office, sometimes if your office has developed a rapport with a tenant where things have gone not as well as we would have hoped, we can all play a role in repairing that communication breakdown or that relationship breakdown. It is a concern. I look again to officials and reiterate that that is certainly not a pathway that we would be advocating for our staff to use to address this.

**THE CHAIR:** I can see an email going out saying, "Do not."

**Ms Vassarotti:** That is right. But I certainly recognise that, when people are going to your office or my office or another member of parliament's office, it is because they are at a point of distress and frustration. We will do everything we can to meet that with openness, really trying to problem solve and trying to support Housing ACT and the tenant to get to the appropriate answer. I think it is inevitable for some clients. Things do not always go right. We are dealing with 22,000 people and a workforce that is dealing with really complex and tricky issues. Sometimes things will go wrong. I think we all will have a role to play in that.

**THE CHAIR:** I am going to accept that as a sufficient answer to my question. The committee's hearing for today is now adjourned. On behalf of the committee, I would like to thank the ministers, statutory officers and officials who have appeared throughout the day. If you have taken questions on notice, could you please get those answers to the committee secretariat within five working days of receipt of the uncorrected proof transcript. If members wish to lodge questions on notice, please get those to the committee, via the portal, within five working days of the hearing. Thank you.

**The committee adjourned at 5.01 pm.**