



**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

FRIDAY, 28 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

Community Services Directorate..... 1050

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Amended 20 May 2013

The committee met at 1 pm.

Appearances:

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

Community Services Directorate

Wood, Ms Jo, Acting Director-General

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

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

Simpson, Mr Chris, Executive Branch Manager, Aboriginal Service Development

Moyle, Mr Brendan, Executive Branch Manager, Office for Aboriginal and Torres
Strait Islander Affairs

Summerrell, Mrs Jessica, Executive Branch Manager, Support Services for
Children

THE CHAIR: Welcome to the public hearings of the Select Committee on Estimates 2023-2024. The committee wishes to acknowledge the traditional custodians of the land that we are meeting on, the Ngunnawal people. The committee wishes to acknowledge and respect their continuing culture and the contribution 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 proceedings are being broadcast live. The proceedings today are being transcribed and will be published on the Assembly website. If you are taking a question on notice, it would be useful if you could be emphatic about that and use the words, "I will take that on notice."

In this first session we will hear from Ms Rachel Stephen-Smith MLA, Minister for Families and Community Services, and officials. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. I am hoping to get a confirmation by voice here. Could you all please confirm together, for the record, that you understand the privilege implications of the statement and that you agree to it? Excellent.

We are not inviting opening statements. We will now proceed to questions. I will start, Minister. This budget includes more than \$1 million per year over three years for "supporting public access to government information".

Ms Stephen-Smith: Can you give us a page reference?

THE CHAIR: Budget statements G, page 22. It is \$1.247 million this year, and there are similar figures over the next two, for you to support public access to government information. I want to get my head around this: is that money primarily intended to increase capacity for handling of freedom of information requests? Is that what that is about?

Ms Wood: That initiative is a whole-of-government initiative. It was led by JACS. It is about capacity to support the freedom of information scheme within the Community Services Directorate. We have a significant role in freedom of information. Obviously, we hold a lot of people's personal information, and quite significant amounts of information, so we often have very large FOI requests. We seek to process those as quickly as we can. Obviously, we need resources to continue to maintain that.

Ms Stephen-Smith: Mr Parton, what I have seen over the years—as Ms Wood has said, we have seen this for many years—is that the implementation of the Redress Scheme has significantly expanded requests for historical information, relating to historical abuse in care, that goes back many years. Some of those files are very large. That has also had a significant impact on our FOI team.

THE CHAIR: Is someone able to clarify how many additional FOI officers will be added as a consequence of that funding?

Ms Wood: Mr Parton, we might need to take that detail on notice, because we do not have our corporate people here.

THE CHAIR: All right. What is the current FOI delay at CSD? Do you believe this addition will allow all or nearly all requests to be fulfilled in the legislated time frame?

Ms Stephen-Smith: The answer to the second question is that there is a standard request for extension in relation to most FOI requests. I will hand over to Ms Wood. In relation to the second part, no. A large part of the reason that a lot of our FOIs cannot be completed within the statutory time frame is, as Ms Wood has indicated, the size of the requests and the need to go through all of those with an eye not only to the FOI Act exemptions and redactions, but also often the Children and Young People Act. They are operating under those dual frameworks.

Ms Wood: Mr Parton, I can provide some data on our FOIs for 2022-23. We completed 88 FOI applications in 2022-23. As the minister said, we have a standard request for additional time. We had eight completed in the statutory time frame, 71 completed within an agreed extended time frame—agreed by clients or the Ombudsman—and nine applications were deemed as refused because they were not completed in the time frame. Across those 88 completed applications, the CSD FOI team reviewed over 160,000 pages and 35,830 pages of information were released.

THE CHAIR: What you are telling me is that, in regard to the original time frame which is set up for FOI requests, you succeeded less than 10 per cent of the time.

Ms Wood: We completed eight, yes, in that standard time frame.

THE CHAIR: Is that what has led to this increased funding—it is considered that that level is not appropriate?

Ms Wood: We are working on two fronts. There is the resourcing in this budget, and

we can provide the detail of how many resources that funding provides for the FOI team. But we are doing a whole range of work on how we process FOIs and how we work with FOI applicants, depending on the type of information, and whether there are other ways we can provide people with information. We are looking at how we achieve more of the standard FOIs within the statutory time frame, and what other mechanisms and ways we can provide people with information they need.

That work is happening now. In the future, I think we will start to see some different data. But we will continue to have, as the minister has already said, some very large FOIs which are incredibly important for individuals. We need to work through that very large amount of information. Some of those will not be able to be done in the statutory time frame.

Ms Stephen-Smith: If I can draw a bit of an analogy there, people have a right of access to their health records, under the Health Records (Privacy and Access) Act. It would be very uncommon for people to seek access to their health records under FOI. But when people are talking about their housing records or, in particular, in my portfolio, their child protection records or their youth justice records, they use the FOI scheme to access that information. There is a real question about whether that is the most appropriate approach to accessing personal information about your own circumstances from a human services agency.

THE CHAIR: The final question I have on that is: help me to understand, if you can; you talk about 80 applications in that financial year 2022-23. What does the applicant profile look like? When I talk about FOIs, and when I think about FOIs, I think about us lobbing grenades from over there and I think about journalists. But this is far wider than that, isn't it?

Ms Wood: Yes. We could take that on notice, Mr Parton, and give you a bit of a profile.

Ms Stephen-Smith: I think it is fair to say that the majority are clients or former clients, or lawyers on behalf of former clients, through a redress process.

MS CLAY: Minister, this will probably be a conversation that will be slightly circuitous. I have had a number of constituents come to me with concerns that, where there are family law orders in place, child protection does not seem to want to get involved. That is the general issue. If there are family law orders in place and somebody makes a child protection complaint, does child protection treat that in a different way than if there were not family law orders involved?

Ms Stephen-Smith: I will hand over to Ms Sabellico in a moment. By way of context, because I get these concerns raised with me as well, there is a fundamental threshold around the engagement of Child and Youth Protection Services around an existing parent willing and able to protect the child or young person, and as an appropriate parent for the child or young person. Quite often, what I see come across my desk and then get briefed on is a circumstance where a parent is participating in a family law process; that parent is acting protectively around their own children but they are also raising concerns with Child and Youth Protection Service. The response, in a child and youth protection sense, would be, "Actually, you as a parent are acting

protectively in response to your child,” so there is not a role for child protection there.

Obviously, a lot of circumstances are also more complicated than that, and there is interaction directly between the family law process and child protection at times. I will hand over to Ms Sabellico.

MS CLAY: Minister, what you have said matches the complaint that I have heard, so I am very happy to get more detail, but perhaps I will ask a follow-up question, before getting the detail. I have not heard too many complaints in the child protection system where we are talking about direct physical abuse, so it looks like that is easier to be recognised.

Most of the issues that I am hearing about relate to emotional abuse of children, psychological abuse and sexual abuse of children. If the complaint about child protection is about emotional abuse, psychological abuse, coercive control or sexual abuse, and there are family law orders in place, does child protection run through their ordinary statutory obligations, exactly as they usually would, or is there some different process where they say, “No, family law orders come first”?

Ms Sabellico: No. If we receive a report on a child then we consider the issues that are presented in that report outside any other court arrangements. We need to assess the issue that is presented in terms of the safety and wellbeing of the child.

As we go through the appraisal and assessment, if there are family law court orders, we need to understand the basis of those orders and we need to work within them until such time as we have a completed appraisal. If a completed appraisal suggests that we need to take action then we would, based on that appraisal; and, again, being mindful of whatever the arrangements are in the Family Court. Once there is a child protection order, that is the one that is precedent for us.

MS CLAY: In that appraisal process, are you looking at emotional and psychological abuse? Are you assessing that?

Ms Sabellico: Yes.

MS CLAY: I have had constituents who feel they have had a different experience. They feel that when they have reported emotional, psychological or sexual abuse, it is not appraised in the same way that you are telling me that it is. You run through exactly the same child protection appraisal that you would run through, anyway. Obviously, you need to know that there is a family law order in place; I understand that. But you are not looking at the family law order and saying, “This means parents must get access,” or anything like that. You are running through exactly the same assessment.

Ms Sabellico: The process is an appraisal assessment. All of the information is gathered through that process, and a decision is made based on the totality of the information, not just an individual piece. However, it is a very complex situation when you start to look at family issues. I would be happy to meet and talk about any constituent issues, if you would like.

MS CLAY: We might have a follow-up briefing. I do not know whether you can tell me this, in a forum like this: what is the minimum level of harm for emotional or psychological abuse where child protection would start to consider that it is in need of perhaps a protection order? How do you reach that minimum level?

Ms Sabellico: Currently, the system is that we will receive a child concern report from a member of the community, mandatory reports, and other areas—family. We need to assess that to see whether it meets our threshold for a child protection concern. One piece of information, in and of itself, might not reach that threshold, but many instances of similar information or posing risks and vulnerabilities within a family get considered as part of a cumulative harm approach.

That would turn into a child protection report, and the appraisal would collect all of the information and look at what is the current impact on the child, what the child has been exposed to, what the likelihood is going forward, as well as what the strengths and abilities within the family are. All of that is assessed and considered as part of the overall response.

We are going through a process at the moment of looking at whether we have all of those settings right. That is part of the process of modernising the act. We are currently looking at whether we have the right systems, tools and frameworks in place to ensure consistency of application of our decision-making and that we have the ability to be able to train and support all of our caseworkers in undertaking that work and, where needed, have a cycle of continuous improvement, learning and guidance around application interpretation.

MS CLAY: I apologise if I am taking a figure out of context now, because this is not my regular patch. I noticed in the budget, on page 24, that there are 18,000 child protection reports each year. With child protection reports requiring appraisal, there were 2,500. Are we talking about the same sorts of child protection appraisals that we have been talking about?

Ms Sabellico: Yes.

MS CLAY: I was surprised to read that. That is a big difference. There are a lot of reports lodged. For the ones that you think need appraisal, I assume that means detailed assessment by your staff?

Ms Sabellico: Yes.

MS CLAY: What happens to the other 15,500? How has somebody possibly eyeballed those and dismissed so many reports?

Ms Sabellico: Every single child report that comes in does get considered, and it gets considered as to whether or not it meets the threshold as a child protection report. Child protection reports are the ones that will then have an appraisal. The others either do not meet the threshold but we may make referrals to other support services, or we would talk to other agencies who might have a trusted relationship, like Education or Health, in terms of any issues that they may wish to consider as part of their current interventions. All of the information, though, remains, and we can give consideration

to it should a further report or further reports come in for consideration.

MS CLAY: I am a lawyer by training. With determining whether it reaches the threshold, what you mean, I assume, is that if the things in this report were true, this would require intervention. That is reaching the threshold. We have not decided whether it is true or not, but if it is true then it would require our intervention.

Ms Sabellico: Yes.

MS CLAY: Is your current review aimed at making sure that when people dismiss those 15,500 reports each year as not reaching the threshold—including for emotional and psychological abuse, which we do already recognise under the act, but I am concerned that we are not actually dealing with it in the right way—the people who make that decision are making it correctly?

Ms Sabellico: Yes. That is all part of our end-to-end review of the system and the frameworks, as well as the work on the act, in terms of looking at how we can better redefine some of those elements. It is also about looking at how to ensure that we get involved earlier and sooner, and work with our NGO sector to give a more timely response, rather than waiting for everything to come through the child protection door.

Ms Stephen-Smith: The other thing that might be helpful, Ms Clay, if it would be of interest, is that we could take this on notice, as I do not have the data in front of me. When you say that your impression of the system is that psychological or emotional abuse is not necessarily meeting a threshold as easily, we could take on notice providing a breakdown, particularly of when emergency action is taken and the primary cause of that, because that is not what is reflected in the data. Often it is around exposure to domestic and family violence. Emotional abuse is quite a substantial reason for Child and Youth Protection Services to take action.

MS CLAY: That would be fantastic. If you could include in that the frequency of emotional abuse reported in the 15,500 not appraised—

Ms Stephen-Smith: I do not know whether we will be able to gather that data and—

MS CLAY: If it is readily available, do so; and if it is not, an explanation as to why would be fine.

Ms Stephen-Smith: In relation to the broader point around the intersection between child protection and the Family Court, there was an action specifically under the National Plan to End Violence against Women and Children to embed child protection officers in the Family Court to better integrate those processes. There are sometimes claims and counterclaims that are made by participants in family law to child protection which do need to be better coordinated. That was a recognition under the plan.

MR PETTERSSON: Minister, I understand that there is a pilot underway through the child and family centres that involves partnership with ACT government schools to identify families who need more support and connecting them with programs at the centres. Can you explain more about this pilot and how it works?

Ms Stephen-Smith: Mrs Summerrell would be very well placed to do that.

Mrs Summerrell: Thanks very much for the question. We commenced some work with Education earlier this year with a range of schools across the territory to look at what we were seeing both within the child and family centres and what schools were experiencing post COVID. We were identifying, through what we were seeing in the child and family centres, an increased complexity and a change in some of what we were seeing in the centres, and schools reported the same thing to us.

It is important that we maintain close relationships and partnerships with schools across the ACT. One of the things that we decided to trial initially, starting in term 1—and it has been quite successful and has continued throughout the rest of the year—was a pilot program where we embedded a child and family worker one day per week in the school.

That role was to work with the school and the school wellbeing team to identify families that may need some additional support and where those families could benefit from being linked in with other services. One of the important distinctions with the child and family worker and the work they can do is that they are often trained to provide parenting assistance work and programs within the child and family centres. Linking those families with the child and family centres and often other services was something that the schools felt would be of enormous benefit.

Many of the children that we see could also benefit from therapeutic intervention, so our linkages with the Child Development Service also coming under my responsibility has been beneficial for those families as well. We have seen, in a number of cases, that school attendance for young people has increased, where we have been able to be involved. There are some families who have been otherwise quite difficult for the school or other services to engage with. Through our work, we have been able to engage with them, and work with them on some goal setting and some parenting assistance as well. It has been really successful. As I said, we are in schools in the Belconnen region, the Gungahlin region and the Tuggeranong region.

MR PETTERSSON: That is great. Could you be more specific about which schools are involved?

Mrs Summerrell: Sure. In term 1, the first school that we did this with was Evatt Primary School. To be clear, the identification of the schools is a partnership between ourselves and Education. We work with Education around which schools they believe would be ready for a pilot like this. Evatt was the first school that we worked with. In term 2 we did Gordon Primary School, and Margaret Hendry School in Gungahlin. In term 3, we are in Margaret Hendry again, and in Calwell and Kingsford Smith School.

MR PETTERSSON: How long will the pilot last?

Mrs Summerrell: We are very agile in what the model looks like. We are open to what works best for the school and that community. We found in Evatt and Gordon, in the work that we were able to do with that community, we were able to have a presence and draw the families that needed that additional support into the child and

family centres and into a broader network. We are still involved with those schools. Even though we are not embedded in there one day a week, we will still take an intake call from the school directly and we would drive down to the school, if needed, to do the intake. Despite the fact that we are not there, the kind of model is that we re-establish those partnerships and the work that we do with the school so that there is that relationship for us to be able to provide the level of response that is needed. We also do home visits, which has been hugely beneficial.

Ideally, we go in for a term, we reassess at the end of the term, see what it is looking like and see whether we need to stay longer or whether the directorate would prefer us to develop those relationships in another school, while we continue to take those intakes through the schools that we are in.

MRS KIKKERT: This is probably a question to be taken on notice: do you have the numbers of how many students per school have currently participated in the pilot?

Mrs Summerrell: The number of students per school?

MRS KIKKERT: Per school, yes.

Mrs Summerrell: I do have that. If you give me a couple of minutes, I will be able to get that. I will not have the data for the current term that we are in, but I can give you the ones that we have been in.

MRS KIKKERT: That is okay. Is there an age limit as well?

Mrs Summerrell: The work that we do is in the earlier years. Generally, we focus on nought to eight. I should say that we are in primary schools, so obviously it will all be within that age range. We are not in any high schools.

If a family or the school came to us and said, “We’re really concerned about this family or this child; we have seen this change of behaviour,” and if they were 10, we would not say no, by any means. The work that we do would apply. But our focus in the schools is on the nought to eight age group, on the basis of early intervention.

MRS KIKKERT: The junior primary area.

Mrs Summerrell: Yes. As I said, we do not exclude, apart from the fact that we are only in primary schools.

MRS KIKKERT: Just to clarify, those families are referred to the program by the school principal?

Mrs Summerrell: Not always. The families can self-refer. The school does communication out to families about the work. Part of the reason why we start with an embedded person in the school is so that they become very familiar within the school community. They are there at drop-off, there is a consistency to when they are there, their face is familiar and friendly, and all of those things.

In many cases the families say, “I would like to see that person,” or “I want to speak

to the child and family worker.” In many cases that happens. In probably an equal number of cases, the school says, “We’re working with this family. We might mention that you’re here and see if they want to talk to you,” and that would be how the referral will come over. If the school spoke to the family and said, “Would you like to speak to the child and family worker?” and the family said no, of course, we would not have any involvement.

THE CHAIR: Mrs Summerrell, at some point, when you have that information, we will come back to you.

MRS KIKKERT: Minister, in an annual reports hearing last year, you said that the report recommending an external merits review process for child protection decisions, originally due in September, would be released to the public, once cabinet had finalised it. This budget includes \$679,000 over two years to establish this process. Does that mean that the report has been finalised? If so, has it been released to the public?

Ms Stephen-Smith: That is a good question, Mrs Kikkert. I will hand over to Ms Evans.

Ms Evans: You are right that there is a line item for the external merits review process. You are, of course, aware that this project originally started with a small amount of funding to develop that report, which is in fact now complete. It did make some recommendations around how to progress with establishing an external merits process. I do not think that the report has been published, Mrs Kikkert. That would be my understanding. I will correct that, if necessary. I will seek that information. I do not think it has been published, for no other reason than the project continues to be ongoing in the sense that we are now, as a result of that report, working through which governing body is the best option for implementing the external merits process.

Basically, we are working towards, in this next period of time, establishing which governing body will conduct the external merit reviews and take carriage of that process. You will note that in the budget it is listed as a line item, but in fact it is in kind; we are actually absorbing the costs for that, because the project is ongoing, based on work we are already doing. We expect that any costs around implementation may be brought forward to government in the next budget or midyear budget process.

MRS KIKKERT: You mentioned a governing body who will be looking into this. Can you describe the model of external merits review that this funding is attached to?

Ms Evans: The intent is that it would be external, obviously, to the child protection system so that, if something does need to be reviewed, families can feel confident that it is a body that can take their matter without being influenced by any matters that are being considered by child protection.

The kind of processes or mechanisms that we would be looking at are the Childrens Court or ACAT, who would have the appropriate standing to provide that kind of external merit review. Both bodies acknowledge that there is a fair bit of work for them because this is a new kind of process, and we would need to do some training and instruction around this process. That is what we will be doing: working with them,

determining which body would be the appropriate one, and starting to work towards how they would implement this so that families can get the information they need through the external merits review.

MRS KIKKERT: When do you think that this will be up and running?

Ms Evans: The expectation is that we continue with this work in this calendar year, Mrs Kikkert, with the expectation that this would be something that we would be implementing before the end of term of government.

MRS KIKKERT: You mentioned that the report is not published. Will it be published?

Ms Stephen-Smith: Yes.

MRS KIKKERT: Do you know when, Minister?

Ms Stephen-Smith: No, Mrs Kikkert. I do not know exactly when. Generally, I take an approach that, if we would release it under freedom of information, we should just release it. On that basis we will have another look at whether we should just release it now. It is one of those things where, as Ms Evans indicated, the work is ongoing. Obviously, as we have talked about before, we are doing staged work around the Children and Young People Act, and we have been very focused on stage 1 of the amendments to the current Children and Young People Act, which will come before the Assembly, we expect, for introduction in the next couple of months. There is some targeted consultation underway on that at the moment.

In the context of this work feeding into the next stage, we have been quite focused on stage 1 and we probably had not really thought about when we would release that report. We can say that we will have a look at it and see whether we can in fact release the report in full; or, if it has some information that will be informing cabinet decisions, it may need to be not released. I will take on board that we will look at that and release the report as soon as we can.

MRS KIKKERT: Is that the hurdle as to why the report is not released yet, because it needs to go to the cabinet for full permission?

Ms Stephen-Smith: It was certainly informing the business case for this year's budget submission, yes.

THE CHAIR: Mrs Summerrell?

Mrs Summerrell: In answer to the question—and remembering that this is not the term 3 data, obviously, because that is still active—at the end of term 2, through our initial engagement with Evatt Primary School, we had facilitated 13 formal referrals from families. After we left being embedded, intakes then are recorded just as a normal intake, rather than an Evatt school specific intake, so there would be more families who are coming up from that, but this is about when we were in the school.

There were nine full referrals from Gordon Primary School that then went on to fully

engage with the Tuggeranong Child and Family Centre. In Margaret Hendry, for term 2, there were six referrals where families went on to engage with the Gungahlin Child and Family Centre. In addition, there are a number of families that we are working alongside—not necessarily having gone into the full Gungahlin Child and Family Centre, but where we are still working with the school. That includes 10 families who were supported through the school’s play group, where our child and family worker worked with those families and had very targeted conversations there. That work, obviously, with all of those families, is ongoing, as we are still embedded in that school.

THE CHAIR: Minister, in previous hearings over a number of years, Mrs Kikkert has raised questions about why child and family centres funding, as well as their service targets, remain flat or close to flat year after year. This is true again in this budget. One budget priority, however, is to “build on existing services and supports, including the child and family centres”, and to “establish an ACT-wide child and family network”. I have some page references here.

Ms Stephen-Smith: That would be useful, if you have page references.

THE CHAIR: I have referred to budget statements G, pages 3 and 5. Again, one budget priority is to “build on existing services and supports, including the child and family centres” and to “establish an ACT-wide child and family network.” Those quotes are spread out over a couple of pages. Is there any specific funding anywhere in this budget for this priority, or are these just some nice words to be put in the budget to indicate a future aspiration?

Ms Stephen-Smith: Minister Berry and I have been working with both the Community Services Directorate and Canberra Health Services to think through what the model for a child and family network looks like. We hear from families that our current system is hard to navigate, between community paediatrics, Child Development Service, child and family centres, private, NDIS, and EACH, which is the early childhood partner in NDIS. All of those things are not working together and as navigable as they might be.

There has been some additional funding, particularly through the Child Development Service, which sits in Minister Berry’s portfolio. I might turn to Mrs Summerrell to talk about how child and family centres are looking at their models to make sure that they are as integrated as possible. Obviously, the embedding in school pilot is a part of that.

Mrs Summerrell: There is a lot of work happening around the integration of services, exactly as the minister said, to try to make that journey a little bit easier for families. One of the pieces of work is that the Child Development Service is embedded in the child and family centres and, with the exception of unexpected leave, operates from the child and family centres every day. That includes drop-in clinics; also, intervention, where it is provided, can be provided from the child and family centres. As the minister said, there is the schools program as well.

With the way that we plan and deliver services, we use the data that we have to look at what demand is and where the most need is. As we get about halfway through the

school term, we look at where we are seeing high populations in some of the groups running; if we are doing more case management than we are groups, we look at where that demand is, and plan our services around that. We are very agile in how we plan the services to meet the demand that we are seeing come through the door.

Ms Evans can provide an update on the child and family network work more specifically. Would that be of interest?

THE CHAIR: To be honest, I think that is a sufficient answer for me. I think I am done there, unless there are any supplementaries on that.

MRS KIKKERT: What is the current vision for this child and family network, and what future role do you see child and family centres playing in it?

Ms Evans: The network is a whole-of-government approach, rather than being specific to child and family centres. The minister also has responsibility for the health hubs and the range of health infrastructure. We also have, as Mrs Summerrell indicated, some really close connections with schools.

The idea of the child and family network is that we will look at the broader service system for families, so that they can enter into various different points in the service system, depending on their need, and they will receive the supports and services that will best help them.

In that broader sense, the child and family network is not so much about infrastructure; it is about the way that we join up our services within government. It is also a timely opportunity for us to consider whether all of the programs and services that we offer are the best evidence-based services that we can provide for families. We established some of our supports and services a number of years ago—it could be 20 years ago—and at the time that might have been what was appropriate for our population. We might have been meeting those particular needs.

It is always good to go back and check in around what we are providing, and whether it meets all of the needs of our population. Are there things that we could do that are more targeted to better meet those needs? Are there things that other jurisdictions or places overseas are delivering that we have not yet taken the opportunity to put in place? The network is taking that broad view around all of the supports and services that we have across the ACT government and how we can best provide those into the future.

Ms Stephen-Smith: It is not just the ACT government; it is our non-government partners as well. If you think about a service like Roundabout, for example, it started as a self-funded initiative and it has grown to be an integral partner in a number of our early childhood support services and early family support services. It has now been funded by government to continue growing and embedding that service. I think that is a great example, as Ms Evans and Mrs Summerrell talked about, of learning as we grow, as our system changes and we identify new opportunities, as well as the gaps that people bring to our attention.

MS CLAY: Minister, we have a lot of families that are split across the border, where

one parent lives in the ACT and another parent lives in New South Wales. I am interested in knowing how you are coordinating child protection across state borders in that situation. I have heard reports of concerns. How do you manage that?

Ms Sabellico: There are a number of protocols in place in terms of working with our jurisdictional partners where we have families split across borders. We would have direct contact with those jurisdictions. If it is New South Wales, it is with the Department of Communities and Justice. There is a national system that tracks children who have been across jurisdictions. We can use that information to identify who the caseworkers are in other jurisdictions and have conversations about joint issues and being able to bring together the families, if that is in the case plan, and look at all of those arrangements.

We might retain case management for a child that is here, and where one parent is elsewhere. We look at what the appropriate contact is and how we support all of that, so we can also manage those. We also have an interstate liaison officer position. Every jurisdiction has one or a number of those, who assist in looking at how to transfer matters between jurisdictions where that is agreed, in terms of being able to have the case management and the casework occur closest to where the child is and where the appropriate parental responsibility sits for that child.

MS CLAY: If an ACT parent reported child abuse regarding a child in New South Wales, because they have shared custody and they cross the border, would child protection in the ACT be involved in that, or would child protection in the ACT say, “That’s occurring in New South Wales, and you need to report it in New South Wales”?

Ms Sabellico: There are very strict guidelines in terms of reporting where the alleged abuse has occurred. Depending on the situation and the knowledge of whether or not there has been involvement by another jurisdiction, the systems are used to bring that together in such a way that you have a joint focus on that.

MS CLAY: I imagine that there are a number of children who essentially live in two states. Is that system working?

Ms Sabellico: Yes. The protocols work. Issues may arise, having regard to complexity of the cases, and whether or not there is the ability for involvement of another jurisdiction at a point in time. It is negotiated on a case-by-case basis. But there are systems in place for that to occur.

MR PETTERSSON: Page 131 of the budget outlook includes \$10 million in new funding for a service system to support raising the minimum age of criminal responsibility. This includes funding for a therapeutic support panel, which I understand is central to the new system. Can you explain the role of the panel and how it will assist young people and their families who would currently be coming into contact with the youth justice system?

Ms Stephen-Smith: Yes. I will hand over to Ms Evans in a moment. We have been working with partners across government, our own staff partners across government, our non-government partners and Policing in particular, to look at how this system

will work in a holistic way. There was a workshop two days ago, on the 26th, and it was also the subject of discussion at the Next Steps for Our Kids critical sector friends group yesterday, to think through how that therapeutic support panel will work.

Fundamentally, it is a multidisciplinary panel that will bring expertise to bear as an escalation point when children and young people's behaviour is problematic in the community, particularly when it is causing harm to others, and when children are at risk of causing harm to themselves and a child protection response is not appropriate. They may have otherwise come into contact with the youth justice system. This will provide an alternative pathway to coordinated supports.

Unfortunately, we see now too often that the youth justice system is in fact the gateway to children and young people receiving attention in terms of that case coordination and support. We do not want all children and young people who are at risk necessarily to be escalated to a panel response, though, which is quite intensive. It will be supported by some intake and case management staff, which is part of the funding for the panel.

The conversation at the workshop and yesterday was around how we ensure that that is well integrated not only with the child and youth protection services intake and the support that is provided through that, but also the other intake that we currently have through OneLink, which is a connecting service. The panel will not, in and of itself, provide the services. It is a coordinating and accountability mechanism, in some ways. It is about how we ensure that the services themselves are available. There is funding in this model for brokerage to access services.

We are currently going through a commissioning process for the Child, Youth and Family Services Program, bearing in mind all of the other reform that we have in place and this change to the law, and the need to have more supports. There is also funding in here for establishing permanently a functional family therapy youth justice element, which we have previously piloted. Minister Davidson has responsibility for that. The provision relates to our understanding that we will need alternative forms of engagement with children, young people and their families, through potentially multisystemic therapy, which is a different type of coordinated therapeutic engagement with a child or young person.

I will hand over to Ms Evans to talk a bit more about the panel planning, specifically.

Ms Evans: Thank you for the question, Mr Pettersson. We are at a very exciting stage of implementation around the legislation now, where we need to get down to the detail of what it is that will support young people who are no longer the subject of criminal proceedings.

As the minister mentioned, we had the workshop and we are now starting to really nut out pathways for young people. What has become very clear to us is that, for the vast majority of young people who will be under the age, we would be looking at early supports, rather than waiting until things get to a point where there is something significantly going wrong in their life. It is about starting to push down a little into those younger, particularly middle, years—eight to 12—around the sort of supports and services that families would need.

As the minister indicated, the panel in itself is an escalation point. We are hoping that families and children can be supported through our existing service system and some other things that we may put in place. But if a young person is escalated through that referral pathway because it is clear that they are not getting the support that they need or they and their family are struggling to engage with particular supports and services, the panel will have a role in considering what is in place for that young person, what else could be implemented, and working with the caseworkers that the minister mentioned to go back to that family and young person to give them the supports and services that they need. If the panel then feels there is further work that needs to be done, there is an intensive therapy order that they can seek through the court.

In terms of the planning for that, and where we are at, we will go out very shortly to recruit to the panel. It will be quite a significant recruitment process. There are a range of different skills that we will need to have on that panel, because we will be looking for people who can think holistically about young people and think about the best kind of options for them. We want innovation through the panel as well. It should not just be a matter of “We look at that person; they get that.” It is about thinking, “What else could we do? What is different? What is new that could work?”

The panel will have 10 to 12 skilled people to consider these referrals as they come through; then, as I said, they will give some recommendations potentially that will be carried through and implemented by caseworkers. I hope that gives you sufficient information about the panel and the planning.

MR PETTERSSON: It was very thorough. Can the committee get some examples of the types of services that a young person might be referred to?

Ms Evans: There are a whole range of things, such as drug and alcohol mentoring, through EveryMan or an Aboriginal-controlled organisation, potentially. Certainly, at the workshop we had a whole range of community services who work with young people and who have a deep interest in their wellbeing. We have talked about the things that young people should be involved with to keep them safe and have those protective factors, including things like sport and other recreational activities.

It is not that everything we refer to or that would be considered by the panel will necessarily be something like a drug and alcohol counselling service. It might be that a young person needs to understand that there is more to life than where they are at, and there are other things they could be doing and enjoying. It is a very broad range of things that we would be considering.

MR PETTERSSON: A question for the minister: what do you think the community’s level of understanding is when it comes to raising the minimum age of criminal responsibility and the efficacy of the services that have been described?

Ms Stephen-Smith: Our focus group research that was undertaken by Kantar, probably 18 months ago, indicated that the community has a very low level of awareness of what the minimum age of criminal responsibility currently is. People do not understand that it is 10 years old. Most people in the community, as you can imagine, have no intersection with the youth justice system at all, so they do not really

have a concept of how it works or how it could work better.

There are obviously some stakeholders who are very closely engaged and do really get that. A lot of the advocacy, unfortunately, for the ACT, does not necessarily understand very well how our system works, so it is based on national data and a national view about child protection and youth justice centres that imagines every youth justice centre to be Don Dale, which Bimberi absolutely is not. I think that sometimes gets in the way of the local conversation, in that we are talking a bit at cross-purposes.

We already have a very therapeutically focused youth justice system in the ACT, and we do have diversion services. You will sometimes hear commentary, “We don’t have any existing diversionary services.” We do have them. Some of them have waiting lists. You can talk to PCYC, for example, and we fund them for diversion, but they have a waiting list.

Where we do, obviously, have very strong awareness in the community is among parents, grandparents and other family members who have a young person in their family or in their child’s social network who is engaging in problematic behaviour and is starting to become connected to the system. They start to identify some of the challenges in the lack of a continuum and a navigable system.

Again, what we face across a lot of our systems is that we do not necessarily have strong navigation. Also, it is often up to the family of the child or young person to access services. A lot of feedback from our stakeholders, including the Youth Coalition—and this will be part of what the panel will do—is that we do need to hold services to account to stay with that young person, and to proactively engage.

When we talk about voluntary service engagement, which is the best way to engage with children, young people and their families, it cannot be voluntary on the service’s terms. That is quite often what happens. The service says, “We offer this service, and if you would like to come and engage with us, we will welcome you.” We actually need services that will step forward and engage with children and young people and families on their terms, where they are at, where they feel safe, and be willing to be pushed away half-a-dozen times before the family says, “Actually, you’re serious, and you will stick with us.”

That is some of the value of things like functional family therapy, and the value of working with trusted organisations like Gugan Gulwan for Aboriginal and Torres Strait Islander families. It is also about understanding who the family already have a connection with and going there, and bolstering that service and support. That is why the brokerage funding is so important, because it can respond to, “This service is doing really well, but it’s actually got a waiting list, so we can fund for that child to get access to that service.”

MRS KIKKERT: Minister, this budget provides nearly \$2 million over two years for a dedicated First Nations family support team within CYPS. Online adverts indicate that the role of team leader is an identified Aboriginal or Torres Strait Islander position, but case manager positions are a mix of identified and non-identified roles. From the figures, it appears that the team, once complete, will include the team leader

and three case managers. Is that correct?

Ms Stephen-Smith: No. The team will be bigger than that. This is supplementary funding to a team that is already being established. I will hand over to Ms Sabellico to talk about it in more detail.

MRS KIKKERT: You might be able to answer this question as well. Would this support team handle all child protection matters involving Aboriginal and Torres Strait Islander families? Will they be working across other teams to help with culturally safe practice, or will they be doing a bit of both?

Ms Sabellico: The minister is correct. With the First Nations team, we have some resources that we will use from within our current resources to supplement the new funded arrangements. We have a team leader, a senior practitioner and a number of caseworker positions that we have earmarked from within resources; then we have the supplementary supports.

With the size of the team, to start, it will be small. They are looking at how to get involved in matters where the child concern reports come through the door. We want to look at far more earlier support arrangements and working closely with the families earlier, rather than having to go through the child protection process. That is what they are looking at, at the moment.

From that, they will start small, from within the resources, and we will continue to look at whether we need to supplement it more, as it shows success and results as we go forward. Part of their role is also to build the relationships with our Aboriginal community-controlled organisations, work jointly together and be able to have really good referral pathways and bring together a range of services to provide joint service delivery where needed for families. That is part of that work.

They are also involved in looking at how we build the capability of our staff who are working with other Aboriginal and Torres Strait Islander families. They are currently looking at new entries into the system. We also have Aboriginal and Torres Strait Islander families that are already in the system.

One of the other things that they are supporting us with is the coordination of what we are calling an Aboriginal and Torres Strait Islander case discussion and directions group. That is constituted of our senior Aboriginal and Torres Strait Islander staff, inclusive of the team leader and the senior practitioner from the First Nations team. At the moment they are reviewing all of the matters that potentially will go for emergency action, in order to provide a cultural consult and give some directions and advice about what needs to happen.

My office then monitors the outcomes and the actions to make sure that people are following through on that. As we start to build all of the processes around that and the systems to support it, we will start to extend it to all other matters as well. We are trying to look at it from a systemic point of view, as well as at what the team can do and provide support for.

THE CHAIR: Technically, we are moving to another session, but my understanding

is that there is only the super sub, Mr Moyle, injected into the game at this point. We will continue with questions shortly. One of the things that we need—and this is exclusively for you, Mr Moyle, the spotlight is on you—is for you to confirm that you have read and understand the implications of the privilege statement.

Mr Moyle: Yes, I have.

THE CHAIR: And that you agree to it?

Mr Moyle: I agree to it.

THE CHAIR: Excellent. Minister, unless we missed it somewhere, this budget does not provide specific funding to engage an independent consultant to review the government's progress in implementing recommendations of the Australian Law Reform Commission's report *Pathways to justice*.

Ms Stephen-Smith: No, the budget does not. This is a responsibility of the Attorney-General, but that project has been funded out of confiscated assets trust funding. It is not included in the budget.

THE CHAIR: Can you, for the benefit of people—for the benefit of me—explain that line of funding and why that is different?

Ms Stephen-Smith: Not very well because I have never been the Attorney-General. It relates to the proceeds of crime and confiscated assets, and those sit in a trust. That money is used for the improvement of the justice system broadly, and various projects over time are funded. Ms Wood looks like she knows something about it.

Ms Wood: In a former life, in family safety, we did access some of that funding for a range of projects that were about improving responses to victims of crime and justice system matters. It is a fund that goes up and down over time, depending on the proceeds of crime. The Attorney-General can make decisions about where it is directed.

THE CHAIR: I am assuming that it would be Mr Rattenbury that I would ask about how much this review would cost?

Ms Stephen-Smith: Yes.

MRS KIKKERT: Minister, as you would be aware, this review is not the board of inquiry that community members have been requesting for the past three years. Have you begun community consultation on the proposed terms of reference yet?

Ms Stephen-Smith: The Justice and Community Safety Directorate has started those conversations, yes.

MRS KIKKERT: My next question will probably be for the Attorney-General.

THE CHAIR: Ms Clay?

MS CLAY: Minister, on page 22, we have a 2023-24 budget policy decision to establish the First Nations family support team—around \$500,000 per year. What is that team doing? Can you tell me what that funding is for? I am assuming it is FTE.

Ms Stephen-Smith: The First Nations family support team?

MS CLAY: The First Nations family support team.

Ms Stephen-Smith: That is exactly the question that Mrs Kikkert asked in the previous portfolio.

MS CLAY: Is that half-million for FTEs?

Ms Stephen-Smith: Yes.

MS CLAY: What about the Gugan Gulwan Youth Aboriginal Corporation? There is \$14,000 rolled over from last year to this year. That is a very small amount of money. What is that \$14,000?

Ms Stephen-Smith: \$14 million? With the building?

MS CLAY: Is it \$14 million? That would make more sense.

Ms Stephen-Smith: It is \$14 million. It is rolled over; then there is some additional funding because, obviously, construction costs have escalated and we now have the design finalised. The old Gugan building has now been demolished and we are about to get cracking on building. Do you want an update on where that is up to?

MS CLAY: It did not happen last year. It is in the budget for this year. Is it going to be spent and finished this year?

Mr Moyle: The full construction probably will not be fully expended this financial year. The delays with COVID have actually protracted the project itself. The site has now been cleared. On 3 August, the tender process will be concluding, and shortly thereafter a successful construction firm will be announced. Generally, there is about a 12-month build time that has been estimated, and we will be working closely with Major Projects Canberra to try and manage that as tightly as possible.

MS CLAY: That will spill into the following financial year.

Mr Moyle: Correct.

MS CLAY: What is that facility for? What will it do?

Mr Moyle: The facility will allow for a range of expanded services for Gugan Gulwan, particularly in terms of youth and family-related services. We have seen over a number of years significant growth in the Aboriginal and Torres Strait Islander population here in the ACT. Gugan has been established for about 31 years and there have been a lot of significant shifts in the community since that period of time. One of the largest population bases for Aboriginal and Torres Strait Islander people in the

ACT is around the Tuggeranong area. That will allow Gugan to be able to enhance and improve its services for that growing community.

MR PETERSSON: The Aboriginal and Torres Strait Islander budget statement details a range of new investments in the Aboriginal community-controlled sector across the portfolios, including health and community services. Can you tell me more about these investments and how the government works with Aboriginal community-controlled organisations to establish these partnerships?

Ms Stephen-Smith: I might hand over to Mr Simpson to talk about the work. As a preamble to that, the Aboriginal sector development team is a new team in the Community Services Directorate. There was recognition that the work that we had been doing within individual streams of responsibility to work with the community-controlled sector to try and boost the capacity and hand over responsibility over time to community-controlled organisations was both a bit disjointed and relied on a lot of different individual relationships.

I will hand over to Mr Simpson; he and his team have done a really incredible job in building that consistent, collaborative relationship, understanding the aspirations of the individual community-controlled organisations and working to bring them together to have a bigger picture of what the community-controlled sector could look like in the ACT. It is a really exciting development, and kudos go to the Community Services Directorate for restructuring in order to internally fund this branch.

Mr Simpson: We will be delivering against our commitments in priority outcome 2, which is developing the community-controlled sector. The Aboriginal service development branch provides high-level, strategic policy and advice. It ensures that joined-up approach and a conduit between our community-controlled organisations and each of our directorates. I also want to note the intersectionalities between the work. It is not just one delivery against a housing issue, a child protection or a youth and families process. There are many wraparound services that our community-controlled organisations deliver against.

Since inception, since January this year, my branch has assisted in delivering over \$11 million within contracts into the community-controlled sector, including \$9 million dollars to Winnunga Nimmityjah to deliver the continuation of the community services holistic model of care in AMC.

We have also brokered and worked in partnership with the domestic, sexual and family violence office to execute over \$1.3 million in grants to three community-controlled organisations to deliver against our commitments in *We don't shoot our wounded*.... We also now have three community-controlled organisations delivering services and support for Aboriginal and Torres Strait Islander women and families with domestic, sexual and family violence.

We are working with Gugan Gulwan youth organisation. We have executed a \$700,000 grant with them in intensive family support. In working to deliver against self-determination, the key performance indicators are actually based off the organisation's program logic. It is not about the government dictating those KPIs; it is about the organisation informing us of how they will deliver against that.

We are also working with Yerrabi Yurwang. We have executed a long-term lease at the cultural centre for them to deliver services out of there. It is great that they will be able to offer, for the hireable venue space, free utilisation of that for our Aboriginal community organisations. Thank you very much for the question.

MR PETTERSSON: How many community-controlled organisations do we have?

Mr Simpson: I can list them for you. We have Winnunga Nimmityjah, Yeddung Mura, Yerrabi Yurwang, Gugan Gulwan and we have SEARMS. Those are the identified ones. We also have organisations which are corporations but work in a partnership approach with those community-controlled organisations, like Clybucca Dreaming.

MR PETTERSSON: In regard to service delivery, are there still gaps where there is not a responsible community-controlled organisation in that sphere?

Ms Stephen-Smith: Housing and disability remain. There is not an Aboriginal community-controlled organisation specifically in the disability space in the ACT. That is a priority under the National Agreement on Closing the Gap. We hit challenges at a jurisdictional level because of the size of our community and the sustainability of an organisation, but we would certainly like to have another look at that area.

Housing is something where we still have a bit of work to do. With justice, we have Tjillari Justice, but it is a very small organisation. We have Yeddung Mura working in that space. We also have Worldview, which is not an Aboriginal community-controlled organisation, but it has a strong connection with the Aboriginal and Torres Strait Islander community.

Yes, there are still some gaps. In child protection, in terms of statutory services, it is great to have Gugan Gulwan and Yerrabi Yurwang continuing to grow their capability in that space, but there are also some challenges around people wanting to work in the statutory child protection space. It is very challenging for community members. Have I missed anything there, Chris?

Mr Simpson: To add to that, Minister, with the education portfolio, there are opportunities for that. As you said, being a very small jurisdiction, it is about having that multidisciplinary approach and intersectionalities, so that organisations do not just deliver one aspect of human services. There should be a variety of wraparound human services that they will deliver.

MRS KIKKERT: Minister, the budget outlook mentions an ongoing close partnership with the ACT Aboriginal and Torres Strait Islander Elected Body. We have a question about that relationship. My understanding is that the elected body's purpose is essentially to be a community voice to government. However, in a ministerial briefing sent to you in January this year, in relation to the proposal to pause the Ngunnawal Bush Healing Farm Advisory Board, you were told that the elected body would probably receive questions about this action from concerned members of the community, and a proposal was made to prepare clear

communications for the elected body, including recommendations on what to do if or when they receive such questions. Do you know whether the elected body was given talking points in defence of your decision to pause the functions of the advisory board, as proposed in this briefing?

Ms Stephen-Smith: I would not describe it that way. They would have been given key points, which may have been described as talking points. It is obviously up to them how they use that information. We had some very clear information that was developed for the community in relation to those decisions around the Ngunnawal Bush Healing Farm.

I do note, Mrs Kikkert, that while I am in a position to answer that question, because I am the health minister, it is not entirely clear to me that it sits within this portfolio as Minister for Aboriginal and Torres Strait Islander Affairs. But I recognise that you have asked it in the context of the elected body. My understanding is that information was provided to the elected body to inform them of the decision that had been made, and that may well have been in the form of dot points and there may well have been a heading that was called “Talking Points”.

I can absolutely assure you that it is not our expectation that the elected body speak on behalf of the government or in defence of the government. They are absolutely independent and they can say what they want. We try to give them information so that when the community asks them questions, which they inevitably will, they have the information from government to make their own decision about what they will say in response to those questions.

MRS KIKKERT: Minister, how common is it for directorates, ministers and their staff to provide the elected body with recommended things they can say to community members who have questions about government decisions?

Ms Stephen-Smith: Again, I do not think I would characterise the way that that information was provided to the elected body in the way that you have. It is very common for directorates to engage with the portfolio holder within the elected body on a range of things that occur in their directorates and, where it is appropriate and where there is something big happening in the community, the entire elected body will be informed about that.

I will hand over to Mr Moyle to talk about how that process occurs, because there is a central mailbox to communicate with the elected body. The secretariat for that now sits outside the Office for Aboriginal and Torres Strait Islander Affairs; it used to be posted within that office.

The other thing, before I hand over to Mr Moyle, is to say that this is also in response to requests from the elected body. We have heard a number of times from the elected body that, when government makes an announcement or makes a decision in the area of Aboriginal and Torres Strait Islander Affairs, people do ask them questions and they want information from government to be able to provide informed information to the community. Again, there is no expectation from us that they will use our exact words or that they will defend the government’s decision-making. They have very clearly indicated to us that they would like information. I will hand over to Mr Moyle

to talk about how that happens.

Mr Moyle: As the minister identified, the secretariat functions for the elected body are now completely independent of government. That is consistent with the principles under the National Agreement on Closing the Gap, and particularly consistent with some of the recommendations that have come from the Productivity Commission.

The secretariat meets with us regularly. We bring information forward to their elected body, as per their requests, or any priorities that are coming out of government. There is certainly no instruction from government to the elected body. As the minister identified, the elected body actually works in partnership with the ACT government, particularly on critical matters and critical issues—on some of the development of the phase 2 action plans, the implementation plans under the ACT agreement.

They have regular meetings with directors-general, particularly for each directorate, and we also have hearings. The next hearings will be in a couple of weeks, where the Aboriginal and Torres Strait Islander Elected Body can challenge government services in terms of the quality of services.

It is a challenge; certainly, I have a number of conversations with both the secretariat and members of the body where government has to make a decision, particularly in terms of our legislative instruments or a range of issues that arise. Something that I have been speaking to the elected body about is the divergence of views and concerns within community. Quite often it is about information sharing and providing them with an opportunity so that they can understand government's position—not advocate for it, but be able to act independently in terms of communication. Also, through those mechanisms, they can actually hold government to account in terms of the decisions that we make.

MRS KIKKERT: Minister, you may need to take this question on notice. Have members of the elected body ever raised concerns with you or with the Office for Aboriginal and Torres Strait Islander Affairs that things like recommended talking points have made them feel they are being treated as a part of the government instead of an independent voice to government for this term and also last term?

Ms Stephen-Smith: No.

MRS KIKKERT: You are quite confident about that?

Ms Stephen-Smith: Mrs Kikkert, we will go back and review correspondence, but in terms of conversations that I have with the elected body—and I meet with the elected body regularly, and I also have conversations with individual members of the elected body; I see them regularly at many community events—to the best of my recollection, no-one has raised that concern with me. But we will go back and review our records and see whether we can find this anywhere.

If you have evidence that someone has raised it with me, please let me know, because I do receive a lot of correspondence and I have a lot of conversations. I also know that a lot of assertions are made around things where people may have differences of view about what occurred in a particular conversation or at a particular meeting. To the best

of my recollection, no. What I hear more often from the elected body is that they did not receive information in a timely way when an announcement was made and that that resulted in them receiving questions from the community that they were unable to answer because they had not received that information.

THE CHAIR: Can I step in there and say that that question—and I appreciate that you have answered it—from Mrs Kikkert would refer to current members of the elected body and recent former members, in terms of whether they had raised concerns with you or with the Office for Aboriginal and Torres Strait Islander Affairs that these recommended talking points made them feel like they were being treated as a part of the government instead of an independent voice to government. But your answer still stands?

Ms Stephen-Smith: It is perfectly possible that somebody has raised that concern. Again I would put on record and emphasise that it is never our intention, in providing that kind of information to members of the elected body, that we expect them to speak on behalf of government. I am very clear with them, when I speak to them, about their independence. As I say, the more frequent concern is that they have not received information.

Having said that, the question has been raised and we will take on board, in providing information to the elected body in future, being careful about how that is couched, to not unintentionally give the impression that we are providing them with talking points that we expect them to use on our behalf, because that is not what we are doing.

While we are talking about the Ngunnawal Bush Healing Farm, Chair, I would like to go back to something that Mrs Kikkert raised in the health hearings, where she made an assertion that the suspension of the Ngunnawal Bush Healing Farm Advisory Board would impact the progress of a residential trial. I draw Mrs Kikkert's attention to page 152 of the FOI that she received, which was the brief to me, which explicitly states that suspension of the Ngunnawal Bush Healing Farm advisory council will not impact ACT Health Directorate's ability to progress a residential trial. I wanted to put that on the record.

THE CHAIR: Thank you, Minister. We are 10 days in. I am sick of the sound of my voice; I do not know about anyone else. I am happy to defer this question of mine to Mrs Kikkert.

MRS KIKKERT: I never get sick of your voice; I appreciate that. Minister, how much funding was given to the yes campaign for the voice?

Ms Stephen-Smith: That is not a question that I would be able to answer, Mrs Kikkert. That is a question for the Chief Minister. The engagement around the campaign for the voice is one that is being led by the Chief Minister, Treasury and Economic Development Directorate through the central communications area there. While I think I know the answer to that question, I will refer you to the Chief Minister.

MRS KIKKERT: Thank you. Minister, you obviously know that there is a diverse opinion within the Indigenous community about yes or no for the voice. However, we have a yes campaign for the voice. Did you advocate, as Minister for Aboriginal and

Torres Strait Islander Affairs, to the Chief Minister that there should be funding for the no campaign to represent the Aboriginal and Torres Strait Islander people who are against the voice?

Ms Stephen-Smith: Mrs Kikkert, we have been very clear as a government that we support a yes vote in the referendum later this year to establish an Aboriginal and Torres Strait Islander voice to parliament. That very clearly represents the majority view of Aboriginal and Torres Strait Islander people and, I believe, Aboriginal and Torres Strait Islander Canberrans.

It also represents and is the culmination of years and years of work, including the work that led up to the constitutional convention in Uluru in 2017, where 250 delegates from across the country came together following a long period of travelling around the country having local conversations about how Aboriginal and Torres Strait Islander people wanted to be recognised in the Constitution.

That culminated in that constitutional convention at Uluru. That delivered the Uluru Statement from the Heart. We have been clear since 2017 that we support the implementation of the Uluru Statement from the Heart in full. I think it is very disingenuous to suggest that it is somehow a surprise that we are going to a referendum on the voice; that it is somehow a non-representative process. It was a very considered process that was in fact established by the previous government, on the basis of everybody agreeing across parties that recognition of Aboriginal and Torres Strait Islander people in the Constitution was a shared objective.

We then asked Aboriginal and Torres Strait Islander people how they wanted that recognition to occur. From my point of view, respecting the decision that Aboriginal and Torres Strait Islander people made and the call that they have made through the Uluru Statement from the Heart as the right thing to do, I think this rhetoric around split views in the Aboriginal and Torres Strait Islander community, as if it is a fifty-fifty split, or as if there might be a majority of Aboriginal and Torres Strait Islander people opposed to the voice, is very disingenuous and not representative of reality.

MRS KIKKERT: The reality is, Minister, that, with respect to the people that actually attended that Uluru meeting, a majority of them actually left the meeting, and the person that actually went to represent Canberra—

Ms Stephen-Smith: That is not true, Mrs Kikkert.

MRS KIKKERT: Were you there, Minister? The person that went to Uluru to represent Canberra and signed his name on it has actually changed his mind. He was there. He is a witness, so please do not tell me that that is not true.

Ms Stephen-Smith: I am sorry—

MRS KIKKERT: Going back to my original question, Minister, did you advocate to the Chief Minister for the Aboriginal and Torres Strait Islander people who are advocating for no against the voice?

Ms Stephen-Smith: No, Mrs Kikkert.

MRS KIKKERT: It is just a simple yes or no.

Ms Stephen-Smith: No, Mrs—

MRS KIKKERT: You did not consider their voices in this? Thank you.

Ms Stephen-Smith: Mrs Kikkert, we have indicated that the ACT government—the ACT Labor Party and the ACT Greens; I think I can speak on behalf of them on this point—and a number of Canberra Liberals are supporting a yes campaign. The ACT government is promoting opportunities for people to have a conversation and to become well—

MRS KIKKERT: One-sided, Minister. You are promoting—

Ms Stephen-Smith: Well, that—

THE CHAIR: Mrs Kikkert.

Ms Stephen-Smith: Mrs Kikkert—

MRS KIKKERT: communication one-sided, Minister.

Ms Stephen-Smith: No, I do not think that is true, and—

THE CHAIR: Mrs Kikkert.

MRS KIKKERT: You are the Minister for Aboriginal and Torres Strait Islander Affairs.

THE CHAIR: Mrs Kikkert, can you stop?

MRS KIKKERT: It is about people, not just being one-sided.

MR PETTERSSON: Mrs Kikkert, I will ask you to leave if you—

THE CHAIR: Mrs Kikkert, would you please stop? Mrs Kikkert—

MRS KIKKERT: That is okay because we are almost done. I think I have said my piece.

Ms Stephen-Smith: Mrs Kikkert, if I could—

MRS KIKKERT: You are the Minister for Aboriginal and Torres Strait Islander Affairs.

MR PETTERSSON: Mrs Kikkert, you are not here to say your piece.

Ms Stephen-Smith: Yes, I am, Mrs Kikkert.

MRS KIKKERT: Minister, you represent all of them, not just one side.

Ms Stephen-Smith: No; Mrs Kikkert, if I could just hand over--

MRS KIKKERT: Not just one side, all sides.

Ms Stephen-Smith: to Mr Moyle to actually talk about what we—

MRS KIKKERT: You could have just advocated for them.

THE CHAIR: Mrs Kikkert.

Ms Stephen-Smith: Mrs Kikkert, if I can hand over to Mr Moyle, an Aboriginal person, to talk about what we are actually doing in government to ensure that the community can be well informed about this referendum, which is very important, that would be respectful of the Aboriginal people who are in this room.

MRS KIKKERT: My specific question was in terms of whether you advocated to the Chief Minister for the no campaign.

THE CHAIR: Mrs Kikkert.

MR PETTERSSON: Mrs Kikkert, this is not your hearing; you are here by leave.

MRS KIKKERT: That is all. I can leave because the session is done.

Ms Stephen-Smith: Would you—

MRS KIKKERT: Have I been asked to leave, or have I not been asked to leave?

MR PETTERSSON: Not yet. I would like to hear from Mr Moyle.

MRS KIKKERT: I know what they have been doing. The Aboriginal and Torres Strait Islander Affairs people have told me—

MR PETTERSSON: Mrs Kikkert—

THE CHAIR: Mrs Kikkert—

MRS KIKKERT: what you have been doing, which is wonderful. My particular question was to the minister.

MS CLAY: The committee members need to hear from the witness. If you cannot let the witnesses answer the question, I believe this committee will ask you to leave so that we can hear the evidence.

MRS KIKKERT: That is okay, because my session is done.

MS CLAY: We need to hear this evidence.

MRS KIKKERT: I am absolutely fine. It is 2.30, so I can leave, and I appreciate what you have got to say. I have spoken to many of the people out there and they appreciate—

THE CHAIR: Mrs Kikkert, we are done.

MRS KIKKERT: Thank you; I am done, too.

Ms Stephen-Smith: Could I answer Mrs Kikkert's question?

MS CLAY: Yes, I want to hear the evidence.

Ms Stephen-Smith: I have been advised that the answer to her question about the yes campaign is exactly as I thought. The Chief Minister's office has advised my office that no ACT government money has been given to the yes campaign, Mrs Kikkert.

MRS KIKKERT: My specific question was: did you advocate—

THE CHAIR: Mrs Kikkert.

Ms Stephen-Smith: Your specific question was about Yes23.

MR PETTERSSON: I would ask that you leave, Mrs Kikkert.

MRS KIKKERT: Go back to *Hansard*. I said, "Did you advocate on behalf of those people who are against it"?

Ms Stephen-Smith: Your specific question was about Yes23, and the answer is none.

THE CHAIR: Mrs Kikkert, I think it is time to leave.

MRS KIKKERT: You are the Minister for Aboriginal and Torres Strait Islander Affairs—people, not one side. Thank you, Chair.

MS CLAY: If there is any outstanding evidence, though, we should get it.

THE CHAIR: I think so. Ultimately, it is up to you, Minister, and Mr Moyle, whether you would like to put on the record a response to that line of questioning.

Ms Stephen-Smith: Do you want to talk about the way that we are promoting access to information through voice.gov.au et cetera?

Mr Moyle: Absolutely. Thank you, Minister, and thank you, Chair. The ACT government, and particularly the Office for Aboriginal and Torres Strait Islander Affairs, is very mindful that we are apolitical on this. Our role is to be able to support community representatives to be able to have an informed decision and have informed discussions.

When we go back to the actual United Nations Declaration of the Rights of

Indigenous Peoples, article 18 talks about the rights of indigenous peoples to be able to be represented and have representatives of their own choice, and be involved in matters on decisions which affect them.

The challenge for us is how we actually support that conversation. We have been having a lot of discussions with the elected body, who have been going out and leading consultations. The elected body themselves, certainly in terms of the feedback that has been given to me, have been quite mindful and respectful of both camps. A lot of the discussions have not been about “you should vote yes” or “you should vote no”. It has been about a factual campaign.

Some of the work that we have also been doing is working with the Reconciliation Council, recognising that it is both Aboriginal and Torres Strait Islander people and non-Indigenous people that need to have these conversations. We have been working with the co-chairs to be able to help facilitate that awareness and facilitate those kitchen cabinet conversations.

At the Reconciliation Day event that we had in Canberra on 29 May, we saw over 6,000 people turn up and attend that. The elected body themselves were there to be able to share information and have real conversations with people. I know that, anecdotally, from feedback that I was given, they had a number of conversations with people about both sides, and unpacking, from a factual perspective, what was actually going on. That was something that was replicated again by the Reconciliation Council.

We are continuing to work to support them to be able to have those conversations. It is not about campaigning one way or the other; it is about making sure that we adhere to those principles of self-determination, and the rights of Aboriginal and Torres Strait Islanders and all Australians to make an informed decision.

THE CHAIR: Thank you, Mr Moyle. Thank you, Minister, and thanks to all officials who have joined us in this short session today. If you have taken any questions on notice, could you please get those answers to the committee support office within five working days of receipt of the uncorrected proof? Needless to say, if members wish to lodge questions on notice, please get those to the committee support office via the portal within five working days of the hearing. Thank you very much.

The committee adjourned at 2.34 pm.