



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**SELECT COMMITTEE ON ESTIMATES 2024-2025**

**(Reference: [Inquiry into Appropriation Bill 2024-2025 and  
Appropriation \(Office of the Legislative Assembly\) Bill 2024-2025](#))**

**Members:**

**MS N LAWDER (Chair)  
MS S ORR (Deputy Chair)  
MISS L NUTTALL**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**TUESDAY, 23 JULY 2024**

**Secretary to the committee:  
Dr D Monk (Ph 620 50129)**

**By authority of the Legislative Assembly for the Australian Capital Territory**

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

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## **Privilege statement**

The Assembly has authorised the recording, broadcasting and re-broadcasting of these proceedings.

All witnesses making submissions or giving evidence to committees of the Legislative Assembly for the ACT are protected by parliamentary privilege.

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Witnesses must tell the truth: giving false or misleading evidence will be treated as a serious matter, and may be considered a contempt of the Assembly.

While the committee prefers to hear all evidence in public, it may take evidence in-camera if requested. Confidential evidence will be recorded and kept securely. It is within the power of the committee at a later date to publish or present all or part of that evidence to the Assembly; but any decision to publish or present in-camera evidence will not be taken without consulting with the person who gave the evidence.

*Amended 20 May 2013*

## **The committee met at 9.01 am.**

### Appearances:

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

### Community Services Directorate

Rule, Ms Catherine, Director-General

Perkins, Ms Anita, Acting Deputy Director-General, Housing and Inclusion

Callaghan, Ms Lauren, Chief Finance Office, Finance and Budget Branch, Corporate Services Division

Bogiatzis, Ms Vasiliki, Acting Executive Group Manager, Inclusion Division

Yates, Ms Brooke, Executive Branch Manager, Housing and Inclusive Policy, Strategic Policy

**THE CHAIR:** Good morning and welcome to the public hearings of the Select Committee on Estimates 2024-25 for its Inquiry into the Appropriation Bill 2024-25 and the Appropriation (Office of the Legislative Assembly) Bill 2024-25. The committee will today hear from the Minister for Women and the Minister for the Prevention of Domestic and Family Violence, the ACT Audit Office, the Minister for Corrections and Justice Health, the Minister for Mental Health and the Chief Minister.

The committee wishes to acknowledge the traditional custodians of the land we are meeting on, the Ngunnawal people, and we wish to acknowledge and respect their continuing culture and the contribution they make to the life of the city and this region. We would also like to acknowledge and welcome any Aboriginal and Torres Strait Islander people who may be attending today's event.

The proceedings today are being recorded and transcribed by Hansard and they will be published. The proceedings are also being broadcast and webstreamed live. When taking a question on notice, it would be useful if witnesses used these words: "I will take that question on notice." This will help the committee and witnesses to confirm questions taken on notice from the transcript.

Welcome Ms Yvette Berry, MLA, Minister for Women and Minister for the Prevention of Domestic and Family Violence, and officials. We have many witnesses for this session. I would like to remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement, the pink sheet, in front of you. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Could you please confirm you understand the implications of the privilege statement and that you agree to comply with it?

**Ms Perkins:** My name is Anita Perkins. I am the Acting Deputy Director-General for Inclusion and Acting Coordinator-General for Domestic Family and Sexual Violence. Yes, I have read and acknowledge the privilege statement.

**Ms Berry:** Yes.

**Ms Rule:** Yes, I have read and acknowledge the privilege statement.

**Ms Callaghan:** Yes, I have.

**Ms Yates:** Yes.

**THE CHAIR:** I would like to start off by looking at page 100 of the budget outlook, where it talks about allocating \$516,000 to four community organisations: Roundabout, Scouts ACT, Fearless Women and Women's Health Matters. Three of these organisations are also listed in the women's budget statement. It is probably pretty self-evident which ones they are, but it does not specify the exact amount allocated, for example, for Fearless Women. Could you clarify the exact funding amount allocated to Fearless Women and a breakdown of how that \$516,000 is distributed among the four organisations?

**Ms Perkins:** The budget initiative that you are referring to was an omnibus budget initiative. Specifically for Fearless Women, that funding is allocated through the women's portfolio. The Fearless Women proposal was \$158,000 in this year's budget funding for a level 6.3 counsellor to provide a minimum of eight counselling sessions per week for individuals and small groups of women. We are working with Fearless Women to get that contract in place.

**THE CHAIR:** So, just to clarify, did they specifically seek \$158,000 or is that what was allocated to them?

**Ms Perkins:** Fearless Women did provide a community budget submission. I will have to have a quick look to bring that up, so I cannot speak to those specifics here, but that was the money that was allocated. I might come back to that, if that is okay.

**THE CHAIR:** Thank you. I will keep going. So, as I understand it, a similar organisation, but working with boys and young men, Menslink, was allocated \$604,000, nearly \$605,000, from the government, including, I think, \$250,000 a year for counselling, mentorship and school education programs. I guess I compare that to the \$158,000 that you have said that you have allocated for Fearless Women, which works with girls and young women. We have heard more recently that girls and young women have documented poorer mental health outcomes compared to young men. So why is Fearless Women receiving significantly less funding than Menslink for the same sort of counselling?

**Ms Perkins:** Thanks, Ms Lawder. I have been able to confirm that was the funding Fearless Women asked for through their community budget submission.

**Ms Rule:** I am not sure that you can quite do a one-for-one comparison because there is significant investment that goes to providing support services to women and girls in a range of forums. There are a large number of organisations that we provide funding to to support women and girls, whereas Menslink is one of the very few service providers who deliver services to men and boys. So I do not think you can quite equate the one-to-one comparison between Fearless Women and Menslink. They are

individual service providers that are contracted to provide specific things. There is a much broader range of services that are funded to provide support to women and girls, and in some cases men, but predominantly to women and girls, in the family, sexual and domestic violence space—

**THE CHAIR:** Can you give me an example of some of the other female focused mental health organisations that the government funds?

**Ms Rule:** All of the organisations that provide services to women and girls have a mental health aspect to what they do; for example, many of the shelters under the Aboriginal community-controlled organisations that we fund have a mental health counselling support service; Canberra Rape Crisis Centre is primarily a counselling service; the Domestic Violence Crisis Centre. So there is a whole range of organisations that provide those services more broadly across the sector.

**THE CHAIR:** So, just to state, I think you feel that women, or young women and girls are more than adequately catered for in terms of funding?

**Ms Berry:** No, I do not think that is the case, Ms Lawder. I think you could make the same argument that every man who works with perpetrators to end violence, to stop using violent behaviour, is funded less than other women's organisations. And they could ask the same thing—why are they not provided more funding, the same or in line with women's organisations with regards to ending violent behaviour.

I think with Fearless Women, it is not to say that the work that they are doing is less important or should not be equally acknowledged, but I would say that is the amount that they have requested. They are an emerging organisation, so funding them without the ability to be able to implement the funding in a way that is meaningful and to be able to deliver on a contract arrangement that they have to apply that funding, would not create a successful opportunity for them or the women and girls that they are trying to support. That is not to say that as this organisation evolves and grows funding would not increase. We will work closely with them, as we do with every organisation, to understand the needs within our community and to make sure that there is funding in place to support them.

**THE CHAIR:** Just to go back to one of my earlier questions. Could you give me a breakdown of how the \$516,000 is allocated between the four organisations?

**Ms Perkins:** I will find that information and come back to you, but noting that those other organisations are funded through other portfolios, not through the women's portfolios, so they are not covered within this session.

**THE CHAIR:** Although three of them are in the women's budget.

**Ms Berry:** We will take it on notice.

**MISS NUTTALL:** What community engagement or consultation was there with domestic and family violence services in the ACT and victim-survivors before the draft ACT domestic and family violence strategy was published for community feedback?

**Ms Berry:** I should start by saying that the domestic and family violence strategy is a strategy that is still in the works. We have worked closely with the Domestic and Family Violence Prevention Council, as well as services, to understand where they want to see the strategy go. It should be understood that there has been a lot of work and a lot of consultation with this particular sector over a number of years, due to a range of high-profile rape and sexual assault cases, as well as domestic and family violence and intimate partner violence cases in the ACT.

The advice to me is that they have wanted to take a little bit more time to get the strategy right, and I agree with them, given the amount of work that they have been asked to do, with regard to consultation on a variety of matters, as well as just doing the work that they do, in supporting and responding to domestic, family and intimate partner violence. That is where it is at, at the moment, and there will be more work in that space. But it is a strategy in development; it is not completed, and we will take the time that is needed to get it right, while working closely with the sector.

**MISS NUTTALL:** Could you provide more specifics on the type of consultation that you have undergone? Are there periodic meetings; are there surveys?

**Ms Berry:** It is a range of those. I will hand over to Vasiliki Bogiatzis; she can provide a bit more detail.

**Ms Bogiatzis:** Over the course of 2024, we have consulted with the community on the key principles and priorities that underpin the strategy. We consulted with the Domestic Violence Prevention Council a number of times, as the minister said, and with the expert reference groups that sit underneath the council—in particular, the Aboriginal and Torres Strait Islander Expert Reference Group. There were ongoing discussions throughout the course of this year.

When we did the YourSay consultation between 18 March and 29 April 2024, we had a number of people engage with the YourSay survey. Forty-three people completed the survey in total, and there were also four submissions from individuals in the community and 16 submissions from organisations. That totalled 20 submissions overall. They were quite comprehensive, going to the particular aspects of the principles and priorities that were outlined in that draft that went out for consultation.

**MISS NUTTALL:** You said you consulted with community groups, DVCS and YWCA, in order to help inform the strategy?

**Ms Bogiatzis:** I said that I consulted with the Domestic Violence Prevention Council, which is made up of a number of community members, CEOs of organisations and public sector senior officials. On the Domestic Violence Prevention Council, we have the CEO of the Domestic Violence Crisis Service. The chair is the CEO of Women's Health Matters. We have the CEO of Beryl Women in the organisation. We have the CEO of an Aboriginal community-controlled organisation, and a number of others who helped to inform the development of the draft.

**MISS NUTTALL:** When will we see the report? When will the strategy come out?

**Ms Bogiatzis:** As the minister said, we are going through a process with the community

sector. We heard very clearly through our engagement and feedback that there was broad support for the development of an overarching strategy, which emphasises that coordinated whole-of-government approach to domestic, family and sexual violence. We heard clearly that they wanted the strategy to be bold and ambitious, but that time should be taken, and the process should not be directed too much. They very much wanted a more co-designed, community-led process. We are not being too prescriptive with time frames at this stage; we really want to be guided by the specialist sector.

**MISS NUTTALL:** What consultation was there with community organisations in their capacity as community organisations, as opposed to the CEOs of respective groups, possibly outside their capacity representing the organisations?

**Ms Bogiatzis:** In the development of the draft strategy, as I mentioned, engagement was limited to the Domestic Violence Prevention Council. Following the release of the draft, there was one-on-one engagement with a number of organisations. We sent out correspondence when the draft went out on YourSay to invite organisations to participate in one-on-one consultation or indeed group consultation. We had consultation with the CEO of the YWCA, a number of Aboriginal community-controlled organisations, and a few others.

**Ms Berry:** It is not restrictive. If there are other people who want to be part of the development of the strategy, we would welcome their input. Of course, we do depend on the input of the experts within the sector; they are our “go-to”, in the main.

**MISS NUTTALL:** You said that the sector thought it was a good idea to proceed with the strategy, but with no date of delivery?

**Ms Berry:** Not at this stage.

**Ms Bogiatzis:** The listening report is published on the website, and it details the feedback we heard through the consultation process.

**Ms Rule:** It is important to acknowledge that, of all the community organisations we deal with, this sector is the most effective in terms of advocacy. They also report to us that there has been so much activity in this space over the last couple of years, with various reviews and reports of inquiries, as well as the pressure to keep delivering services, and their view was firmly that this is a really important piece of work to get right, but their capacity to engage with it in a meaningful way means that we have to proceed at a reasonable pace. That is the feedback that we have responded to, which is to acknowledge how much pressure there has been on the sector and how much they want to engage on this important work. That is why we are proceeding at a pace that is really led by them.

Ms Lawder, we have the breakdown of those budget figures, if you would like those now.

**THE CHAIR:** Yes.

**Ms Perkins:** \$100,000 was allocated to Roundabout Canberra to support increased demand facing the organisation; \$125,000 was provided for Scouts ACT; \$158,000 was



provided to Fearless Women, as I spoke about; and \$233,000 was provided for Women's Health Matters to support a range of cost pressures facing the organisation.

**THE CHAIR:** Thank you. I have a few questions about women in construction: It is referred to in the budget outlook and the women's budget statement. Are you the right person to ask about this?

**Ms Berry:** Some of it. If we cannot answer it, you can ask Minister Steel.

**THE CHAIR:** What specific targets has the government set for increasing women's participation in major construction projects and how are those targets being measured and monitored?

**Ms Berry:** That might be a question for Minister Steel because we have begun with a process of consulting with the sector. Of course, there are organisations who have set targets, ambitious targets, like Build Like a Girl, who have set a target of 10 per cent, and I think that is an ambitious target.

What we have been working on, in a range of my portfolio areas, is increasing the number of women entering the sector, as well as providing funding—which I know, Ms Lawder, you have asked about previously—to the CFMEU to provide culture change education within a particular worksite in the ACT. They have provided a report to the Assembly and made some recommendations out of the work that they did in that space.

That probably sits more with Minister Steel. I have a copy of the report here, which I could table for the committee. I have acknowledged the report and sent the report on to Minister Steel for his response. They have a number of recommendations at the back, including targets or a recommendation to put gender on the tender. I think we are seeing a real shift in the landscape in the construction industry. I could probably go into more detail, Ms Lawder, in my capacity as education minister, with regard to our "Try a Trade" work in the ACT. We can provide a lot of detail and information about the success of that program.

**THE CHAIR:** That tender was in 2022. Do you know, or will it come to you as education minister, or should it be directed to Minister Steel, about which recommendations may have been implemented? What is the government response to this report?

**Ms Berry:** Minister Steel has not responded to the recommendations at this stage. That is my understanding. I will be corrected if I am not right. I have looked at the recommendations and they do not sit with me, specifically, because they refer more to tenders and procurement of contracts than to my portfolio responsibilities.

**THE CHAIR:** Minister Steel might be the person.

**Ms Berry:** Yes.

**MS ORR:** On the topic of women in construction, and more broadly in fields that have been dominated traditionally by men, we heard from NECA yesterday, and they were saying how getting in more women as apprentice electricians is a growth area for them,

because there are a lot of shortages. You have done quite a bit of work on opening up and supporting women in fields that have traditionally been male dominated. How important is that and what are you working on at the moment to help support that?

**Ms Berry:** Again, this sits in the education space, but I can talk to it, as the Minister for Women, and having regard to the feedback I have been hearing specifically from young women and girls who have participated in a program who had not had the chance to work in the construction trade across a range of different areas—not just hands-on trades work but also planning, architecture and everything else that wraps itself around construction. I have heard of women and girls, students in schools, who were thinking they were going to progress in a career of fashion design, for example, and they have completely changed their minds, once they have had a try, and decided that they were going to be carpenters.

It is a matter of opening doors to the opportunities for women and girls in the way that we are, with all of these partnerships like Build Like a Girl, the CIT and our public schools across the ACT. The program is now being expanded. It has been a great success.

**Ms Perkins:** This year, with the 2024 program, we are running the Understanding Building and Construction Program in five public schools across Calwell high, Harrison School, Melrose high, Mount Stromlo high and Melba Copland Secondary School. We have had over 600 year 8 students go through the introduction to building and construction industry part of the program. We have had 82 female and non-binary year 9 and 10 students undertake the Women in Construction elective, which provides certifications and safety gear for an onsite work experience placement. So far in 2024 we have had 60 young people undertake work experience placements. That is in addition to the program that we ran last year, which saw a huge number of students go through the programs.

As we work through this year, we will undertake an evaluation process later this year and gather together the insights and learnings from the students and the schools that have participated, to inform where we go to next with the program.

**Ms Berry:** I have been really keen to see whether this is something that they stick with and stick it out. We are hearing that they are interested, and we will find out when we do this survey work, as they reach college, whether they are taking up ASbAs or whether they are doing apprenticeships, following leaving year 10. That will give us some really valuable insights into the success of the program beyond just the qualitative stuff that we are hearing.

**MS ORR:** We started off with a couple of voices making big comments and a lot of noise around this issue of wanting to support women into the sector. You have made reference to a few, and NECA was here yesterday. Are you finding now that a lot more people are getting interested in supporting women into these roles, and that everyone is throwing their hats in there?

**Ms Berry:** It really is. The first year that we did the program and met with the first group of employers that were offering work experience, it was a first for them. They were employing young women and girls on their sites that they had never really engaged

with before, so there was a certain amount of nervousness from the sector about how it would work. But they knew that this was a pipeline that they needed because they were missing out on 50 per cent of the sector, and they were desperate for construction workers, and workers across all of the trades and areas in construction.

That was a moment that was really enlightening. Everybody went, “Okay, this is possible.” Moving on, people have heard about the program and are now volunteering, rather than the directorate or others having to go out and look for employers who are willing to take on young women and girls in these programs. They have reached out to us because they have heard about it and the success of it.

When they have had some of these students onsite, the feedback that they give us about their experiences is so positive that we just cannot see this program failing or going backwards at all. It can only expand. It is still the first in the country. We have teachers who wrote a curriculum specifically for this in the ACT.

**Ms Rule:** We are also hearing from more schools that they would like to be considered in a future rollout of the program.

**Ms Berry:** Everybody is hearing about it and wants to be part of it, so that is awesome.

**MS CASTLEY:** I have some questions about the Safer Families levy. It was introduced eight years ago for community support and victim-survivors of domestic family violence. How much has it raised since 2016?

**Ms Bogiatzis:** Thank you for the question. Appendix 8 to the budget papers clearly outlines the levy that is accumulated each year. That is in table H.2, and it is published at the bottom of that table. It is on page 342, where it says “estimated Safer Families levy offset”; \$9.535 million was collected in 2024-25, and there is an offset against this year. The reason why it is an estimate and not an actual in the outyears is that we never quite know how many ratepaying households there will be, due to new developments and things like that.

**MS CASTLEY:** I understand that is for this year. Since 2016 how much has the Safer Families levy gathered through ACT ratepayers?

**Ms Bogiatzis:** I do not have that information. I will have to take that on notice.

**MS CASTLEY:** Thank you. What has the Safer Families levy done since 2016? What has that money that you will get me on notice—calculations put it at around \$35 million, if I am correct—done for the Canberra community regarding domestic and family violence?

**Ms Berry:** I would probably direct you to the budget papers for previous years, which would provide you with a lot of that information. I am not sure exactly what the level of breakdown has been. Of course, this would have been interrogated at previous committee hearings as well. The question that you are asking would involve quite a lot of detail, if we had to go through every single line item within the time frame in which we are required to respond to the committee, when it is all publicly available in previous budget papers.

**MS CASTLEY:** If I am understanding tables H.2 and H.3, there are a lot of lines, for instance. The Safer Families support for women and children to leave violence shows an amount of \$244,000 for this year. Who gets that money? We have the Safer Families collaboration program. What does that mean?

**Ms Bogiatzis:** In relation to the first one, that one is the Safer Families assistance program. The Safer Families assistance program is a \$2,000 payment that goes to women leaving violence. That program is administered by Housing ACT, and the full amount of the funding goes directly to victim-survivors. The application process is through an organisation which manages that for victim-survivors.

The Safer Families collaboration was the subject of your next question. That is a program that is delivered in partnership with the Domestic Violence Crisis Service and child protection in the ACT. That program embeds Domestic Violence Crisis Service workers, two workers, full time in child protection. It is a co-location program. That co-location is where those Domestic Violence Crisis Service workers provide expert specialist advice to child protection workers on client protection-related matters where there is domestic violence present in that family, to provide a more domestic violence informed response, and balancing that with the child protection response, so that that nuance and specialisation are being considered in those matters.

**MS CASTLEY:** Can you give me an overview of the Family Safety Hub? How many staff are working in that team?

**Ms Bogiatzis:** Yes, I can. The Family Safety Hub is an initiative that commenced back in 2018. There are four staff allocated to the Family Safety Hub, and there is also a pool of funding that is used to develop and deliver innovative pilots. We currently have those four staff employed within the Domestic, Family and Sexual Violence Office of the ACT government. This year, in the 2024-25 budget, those four staff were removed out of the Safer Families levy and are now funded by consolidated revenue. There was a decision this year to remove all non-frontline government staff out of the Safer Families levy, and that equates to 10 staff.

With the current pilots that we have operating, the innovative pilots through the Family Safety Hub, the first one is the children's response to family violence, which we call the Heartfelt pilot. That is being delivered by the Australian Childhood Foundation. That is a group work program for children aged five to 12 and their mothers to support recovery from experiences of domestic and family violence. The pilot is being expanded from this term, 22 July, to include additional services for children and their mothers.

This is how the pilot process works. We try something; we do reviews and evaluations. We either expand them or contract them. Sometimes we stop them, if they do not work. With this particular one, we are expanding it to include additional services for children and their mothers, including therapeutic needs assessment, individual counselling for children, psycho-educational support for mothers, a separate group program for children and mothers, and case management support.

**MS CASTLEY:** I understand there are lots of pilots and programs. We have a short

time frame. I am asking about the hub and how it is staffed and paid. Is there a Safer Families team that is different from the hub?

**Ms Bogiatzis:** Yes, there is a Safer Families team that is made up of four staff, including the Coordinator-General for Family Safety and three other staff who formed the initial team that sat behind the coordinator-general.

**MS CASTLEY:** Are they now being paid—

**Ms Bogiatzis:** They have.

**MS CASTLEY:** They are out of it?

**Ms Bogiatzis:** Yes.

**MS CASTLEY:** It seems that this year the focus is that money will actually be going to frontline services. What proportion was not going to frontline services over the last eight years?

**Ms Berry:** There is a bit of history to this, as you know. It has been around for eight years. The ACT is the only place that has a Safer Families levy which has the kind of transparency that we provide through the budget papers, as to where the funding goes, so that the Canberra community can see how their contributions are being used to respond to domestic and family violence.

In its first years there was a different focus for different areas of the family safety levy. After a number of years and through consultation with the domestic and family violence and intimate partner violence sector, with some of the programs that were funded initially by the family safety levy to fund specific positions within ACT government directorates to deliver on and provide services in the domestic and family violence space, we started moving that funding out of the levy and back to being the responsibility of directorates.

This is the last group of government employees who provide frontline supports in responding to domestic and family violence from the levy, and they will now be funded out of general revenue by the ACT government. Now, from this year, the family safety levy all goes to organisations that respond to or support victim-survivors, and to stop perpetrators committing violence in the first place—to end their behaviour.

That is all coming out of it from this year.

**MS ORR:** Just picking up on that, Minister, with the history of establishing the levy and the work that has come from it, is it fair to say that, particularly in the earlier years, there was a lot of capacity building to establish things that had not previously had a response, before you could move on to the next phase?

**Ms Berry:** Yes. It was not my responsibility, initially. It was the responsibility of the Attorney-General at the time. It then moved over to the Office for Women, and the domestic and family violence coordinator-general was developed as a part of this process. Eight years might seem to be a long time, but it is a relatively short time as well, with respect to how our response to domestic and family violence has evolved.

With the family safety levy, where that funding goes, how it is directed and the evolution of it has changed as well.

Even in eight years, the focus has shifted to understanding perpetrator behaviour and how we stop people who are perpetrators committing that behaviour, through programs like Room4Change. There is a shift in emphasis, in understanding the complexities around responding to domestic, family and intimate partner violence. It is an evolving space, and it comes back to the questions Miss Nuttall was asking around the strategy. The strategy will not be something that stands still, because it is continuing to evolve, as we understand what approaches work, and how we can change behaviour, protect victim-survivors and get them to live happy and safe lives.

It is reported that the funding has increased over the last five years. It has tripled, in responding to domestic and family violence and intimate partner violence. However, every single day, you read about a case where somebody has committed violence against another person that they know in their home. Obviously, we have not nailed it yet. If we had nailed it, we would have sorted this problem out years ago. We continue to put funding towards what we hear from the sector and the experts as being the best response to the various parts and complexities of responding to all of this. One of the things that we have achieved out of this is understanding that it is complex.

**MS ORR:** We had the community day yesterday, and we heard from some people. There have been comments over the years that everything should just go to the front line. Given that you also want to understand the issue and the complexities, how important is it to balance the two?

**Ms Berry:** It is a big cake, and there is so much work to do in the space. Everybody can have a piece of it. There is no one organisation that can do everything, because it is so complex. That is why the funding goes to such a range of different responses. We have identified a few, in answer to Ms Castley's questions. That funding will change and be refocused over the years, as we learn more and as the focus changes, as the experts tell us where we should be putting the funding.

With Fearless Women, it is a new organisation dealing with mental health, but domestic and family violence and intimate partner violence is part of their work as well. It is a new organisation that has come onto the scene. We have more Aboriginal and Torres Strait Islander organisations supporting women. We did not have them before. It will all continue to evolve because we are continuing to be faced with this.

**Ms Rule:** Certainly, in the Community Services Directorate portfolios, it is pervasive across all of our program areas. It is not just isolated to the work of the office of the coordinator-general. In housing, in disability, in Aboriginal and Torres Strait Islander affairs and child protection, domestic and family violence is a feature for so many of the clients that we service and many of the organisations that we work with that provide services to those people. This is not just a single issue that is limited to a particular set of circumstances. It is actually pervasive and, for many of the vulnerable families that we deal with, family and sexual violence is, unfortunately, a feature.

**MS CASTLEY:** On table H.3, with the Safer Families team, is any of that funding from the commonwealth? Are there only two areas in the ACT government, the hub and the

Safer Families team; is that correct? Is any of this funding for the Safer Families team from the commonwealth?

**Ms Bogiatzis:** No.

**MS CASTLEY:** They are the only domestic and family violence teams in the ACT government?

**Ms Berry:** No.

**Ms Bogiatzis:** With each budget initiative, occasionally there are FTE requirements that go with that initiative. The Domestic, Family and Sexual Violence Office has a number of staff that support the range of initiatives that you see published there. The Safer Families team has four staff, the Family Safety Hub have four staff, and those staff are tied to, for instance, the delivery of the Family Safety Hub initiative. But other initiatives also have FTE allocations.

**Ms Berry:** You will be speaking to Minister Gentleman. The new Chief Police Officer made announcements in the last weeks around the police and their focus on domestic and family violence and intimate partner violence, with a new team, or an expanded team, to respond specifically to that issue. Ms Rule was suggesting that it is across every area of CSD; it really is across pretty much every single area of government. There will be specialists, teams or individuals who will be responding to this in a variety of different ways.

Capturing them all on one piece of paper is incredibly difficult. Understanding the costs, or the funding that goes towards all of that different work, is difficult to break down in a lot of ways. It shows the complexity of the issue. Also, in a positive light, it shows how important this issue is and the priority that the government has placed on this.

**MS CASTLEY:** My final question is about the Auditor-General's report. I believe there is a report coming. Do we know when we can expect to see a copy of that?

**Ms Berry:** No.

**Ms Bogiatzis:** No.

**Ms Rule:** It could be a question for the Auditor-General.

**THE CHAIR:** Ms Orr, do you have a new question?

**MS ORR:** I sure do. It is still on the same theme, though. We will just call it a question. How is the government responding to the rising demand for services and the increasing costs that services are facing in the area of family safety?

**Ms Berry:** The shift now is to completely applying the family safety levy, and that is just one part of the funding that goes towards responding to this issue. There are millions and millions of dollars invested across the directorates and across the government in responding to this issue. One of the things that we have which is another positive is a federal government that has made this a priority. We have a strategy and

more investment in responding to this than we have ever had before—certainly in my time in this place. That is something that we are positively working with.

I know that some of our organisations in the ACT have received funding that supports their programs—for example, the Beryl bus providing support for young people. Part of that funding was federal government funding and part of it was from the ACT government. I think it was about equal parts, around \$600,000 or \$700,00. That is just another way that we have been able to work in partnership with the government to provide really great outcomes here in the ACT. I do not know whether they came in or if anyone spoke to that particular initiative yesterday, but what I am hearing from organisations who are accessing that service is that, as a very new service in the ACT, and probably unique as well, it has been going really well and providing really great services. Do you have anything else to add to that?

**Ms Bogiatzis:** Only to say that the National Partnership Agreement funding that we received from the commonwealth is a matched funding arrangement, so the ACT government matches all contributions. The children and young people Safe and Strong Van Program is a first in the territory. It is making clinicians mobile so that children can receive services and interventions where they are. Beryl Women is a trusted organisation in the ACT and has been operating for a really long time. I think they might be one of the oldest women's refuges in Australia.

**Ms Berry:** They are the oldest in the country, yes.

**Ms Bogiatzis:** They also have a significant number of Aboriginal and Torres Strait Islander clients who come into their service—almost 50 per cent. The program offers specialist therapeutic interventions, trauma counselling and support to children and young people in the ACT who have experienced violence. It is the only initiative of its kind in that sense.

**MS ORR:** Can you run through this in a little more detail. You mentioned how there is an evolving understanding of the challenges and problems and there is a lot of work going on. How do you continue to assess and establish what new areas might need to be responded to?

**Ms Bogiatzis:** The coordinator-general has a strong relationship with community sector organisations in the ACT that deliver frontline services and meets with the CEOs regularly. We also have the Domestic Violence Prevention Council, as I mentioned earlier, and expert reference groups that sit underneath that council. We have a prevention group, we have a law reform group and we have an Aboriginal and Torres Strait Islander expert reference group. The Aboriginal and Torres Strait Islander group is probably the longest running. The prevention and law reform groups are quite new and have only met a couple of times.

In addition to those regular meetings and the Domestic Violence Prevention Council sessions, we host every two months a roundtable session. An invitation is sent out to a hundred organisations, inviting them in to share information and receive updates from us but also to hear about some of the issues that are happening on the ground. The roundtable emerged during the COVID-19 pandemic and it was quite operational at that time. We had issues where people needed to cross the border to escape violence and



that sort of thing, and it was operational in that sense. It has since turned into an opportunity for organisations to share with each other and with us and vice versa.

**MISS NUTTALL:** Is funding for organisations within this space indexed and does it keep pace with the consumer price index?

**Ms Bogiatzis:** Yes. All funding that goes to the community sector is indexed, based on the community sector indexation rate. That is a rate that is set annually by the Treasurer.

**MISS NUTTALL:** Do we know if that indexation is taking into account the rising costs of things like public liability insurance, wages, long service leave requirements, rent of the building and things like that?

**Ms Callaghan:** The community sector indexation rate is calculated, based off a formula. That formula is 80 per cent of either the wage price index or the SCHADS award rate increase and 20 per cent of CPI.

**MISS NUTTALL:** Thank you. Good to know. If we did not have community organisations like DVCS, Beryl, Toora, Doris and the Canberra Rape Crisis Centre in the ACT, how would we be meeting the support needs of victim-survivors?

**Ms Berry:** We would not be, and that is why you see funding to those organisations increasing every year, through different initiatives, pilots, focuses, programs and partnerships. We are seeing some really innovative partnerships between different community organisations and some of the ones that you have talked about, working together because of how interrelated all of this work is. It is not just violence on its own. There is much more happening around it.

The responses are so diverse, so working with these groups, working together, is where the success comes from. There is no point in operating in silos in this space. You cannot have people going to a range of different organisations and not being able to get the support that they need, so we need those kinds of partnerships. We have seen one recently emerge with DVCS and the Women's Legal Centre, where they are providing on-site legal support for victim-survivors who access support through DVCS.

We have partnerships with Health and Education where we have legal services in our college system and within our hospital for families and women in particular who need support. That is not just within domestic and family violence but primarily a safe place for them to be able to get that support and legal advice from a trusted person at a place that they are likely to visit, at a time when they might be more significantly at risk, and particularly with children. The partnerships are probably the strength of how we respond to domestic and family violence, intimate partner violence and sexual assaults and rapes in the ACT.

**Ms Rule:** The coordinator-general and I have recently met with the boards of both the Canberra Rape Crisis Centre and the Domestic Violence Crisis Service. We have ongoing conversations with these organisations about how we work together to deliver the services that are required. There are always challenges in these types of organisations about capacity, demand and funding. We have very open and frank conversations with those organisations.

As the minister said, it is a hallmark of a really positive relationship. The establishment of the office of the coordinator-general and the coordinator-general position is about strengthening those partnerships, not just with the sector that delivers services but also with the myriad of government organisations that they need to work with. Again, it has been all about connecting various parts of the system to work together as best we can to evolve the responses to these issues.

**MISS NUTTALL:** Have those organisations, or any organisations that you partner with, raised concerns about financial sustainability and their funding keeping pace with the work that they are able to deliver?

**Ms Rule:** I do not think I have ever met with a community sector organisation that has not raised issues about financial sustainability. We appreciate that community sector organisations work within a constrained financial environment. No-one has ever said to me that they have got too much money; that is for sure. The focus of our work is really on making sure that they can maximise the capacity to deliver with the funding that is available from government and elsewhere.

**MS CASTLEY:** I think we are heading in the same direction. I believe that yesterday we heard that some community organisations are experiencing market value almost, because of the rising costs and that indexation. It is just not meeting their needs. I do not believe it is because these people want more money to just throw around. We heard from Kidsafe that the CEO has reduced his hours to one day paid so that he can pay his staff the same amount that an Aldi shelf stacker is getting. Is there anything that can be done? We are not talking about people, as I say, who are just lining their pockets. They are providing services and the government are sending people their way. What are your thoughts on that? Is there any way that we could be doing a little bit more for them, considering the work that they do?

**Ms Rule:** I could not agree more that these organisations are absolutely not trying to profiteer or line their pockets. They do a lot with the money that is available to them. There is no doubt that rising costs, interest rates, wages, property and all of those things are having an impact.

The calculation of the indexation, as Ms Callaghan outlined, is a budget setting. The technicalities of that calculation are questions for Treasury. As I said, the focus that we have is to try and work with those organisations to maximise the output for the funding that is available. We acknowledge that there are some pressures. We talk about it all the time with the organisations. We look for ways to try and minimise the impact of things like reporting and the burden that we place on them so that they can direct as much as possible of the funding that we provide towards the frontline services.

We have had a conversation with some of these organisations about other funding streams: “Where might they get money from sources other than government?” There are a whole range of things that we try to do to work with the sector. But we do acknowledge that there are absolutely some cost pressures being felt by organisations at this point in time.

**MS CASTLEY:** Yes. You did mention that you talk to DVCS often and the Rape Crisis

Centre. I note that the Sexual Violence Prevention and Response Task Force was commissioned to conduct an independent review of those two organisations. Has that been completed, that report?

**Ms Rule:** The report is completed. One of my colleagues can talk to the plans in terms of release of the information. We are currently talking with those organisations about what that report has found.

**MS CASTLEY:** We are short on time. Are we able to get a copy of the report?

**Ms Bogiatzis:** Yes. The report will be released on 5 August.

**MS CASTLEY:** Great. Thank you. I have a quick one on coercive control, believe it or not. In May we talked about it in the Assembly, and you committed to an education campaign on coercive control. I note that in the budget there is \$375,000 towards that. Could you give me an update on how that is progressing. Do you believe that that is enough? I note that New South Wales committed \$5.6 million for their education campaign. I am wondering if you could talk a bit about that. Is it enough?

**Ms Berry:** I think that, at the start, it is enough. We will learn about what we need to do, going forward. New South Wales are a much bigger state than the ACT. What we are hearing from the sector at the moment is that that is a good start. I think the YWCA confirmed that yesterday as well. We will continue to work with the sector on what that campaign looks like. That is not something that can just happen and then be put away in the drawer and we say, "We have done that," and wash our hands of it. That is a continuous thing.

There will be people who will be hearing it for the first time. For some of us who have been working in this space for a number of years, it might feel like we talk about this every day and all day. Certainly, that is the case for the experts within the sector. However, there are people who are hearing about these issues or experiencing these issues for the very first time. So a campaign like this is not a campaign that should be just written off as a one-off that does not continue over a period of time.

Again, we need to be careful about the program and the conversation that is held around that education and awareness campaign because it is such a complex issue. Getting that right is a priority as well. We will take the time to work with the experts in the sector to make sure we get that right and communicate with as many people as possible about what that means and what is an effective response in that space. We will talk particularly with minority groups, who might be impacted negatively by the introduction of a crime like coercive control, as a standalone.

**MS ORR:** On the package that is in the budget, how did you approach the development of that package and the initiatives that are included in that?

**Ms Berry:** Again, I think it is the consultation and conversations. We work so closely with the sector, probably more so than any other space in the ACT government, through the work of the coordinator-general. It is sometimes daily, sometimes weekly. There are definitely calendared meetings, which occur for a number of organisations to be part of. I might hand over for some more detail on that.

**Ms Bogiatzis:** What I can say, Ms Orr, is that we use the community budget submission process also to inform our ideas and thinking around what the community sector needs. To provide some examples, in the 2024-25 budget we received funding in response to a community budget submission on the Domestic Violence Crisis Service's case management program. Also, the \$233,000 to Women's Health Matters was in response to a community budget submission. We also received community budget submissions from EveryMan and the Canberra Rape Crisis Centre. We use those community budget submissions to inform our policy thinking and to inform the minister's decision-making. As a direct result of that, we saw \$12.2 million in new funding going to new initiatives in domestic, family and sexual violence, with \$11 million of that going directly to the front line.

**MS ORR:** Sorry; my question was more on the coercive control package—the broader picture.

**Ms Berry:** We will continue to work with the sector across all of the areas that we have identified today. I think it is important as well to learn from other states and territories who have introduced this legislation. The New South Wales legislation has just come into force or is coming into force this month, I think. Through the national ministerial council for women, we are able to share information, advice and initiatives about what is working and what is not with each other and learn from each other as well.

We do not just sit here in a silo, like an island in the ACT, removed from any other opportunities that other states and territories might be able to describe to us. One of the areas that we are really keen to understand is the impact of the legislation on minority groups, where the legislation's introduction may have impacted negatively. That is certainly a concern that has been raised with me. That is one of the reasons why a community awareness and education campaign is important, as well as assisting the understanding of police about who are the people that might be likely to be impacted in a negative way.

We will be reaching out to Aboriginal and Torres Strait Islander community groups, as well as multicultural organisations, to hear from them about their understanding of coercive control and the impact that it might have on individuals in their space. What we have heard very loudly and clearly through our consultations in this space over a number of years is that the last thing that Aboriginal and Torres Strait Islander families want is for their men to be locked away. What they want most is for the violence to end, not this continuation of just locking people up and thinking that we can arrest our way out of this issue. We hear that every day from all services. That is why we are being careful about it. We want to make sure we get it right.

**THE CHAIR:** We will call it quits there. I am not going to ask if there is anything else you would like to add because we are already out of time. On behalf of the committee, I thank all of you for your attendance today. You have taken, I think, one question on notice. Could you please provide your answer to the committee secretary within three business days of receiving the uncorrected proof *Hansard*. Thank you again for your attendance today.

### **Short suspension**

Appearances:

ACT Audit Office

Harris, Mr Michael, ACT Auditor-General

Hudleston, Ms Erika, Acting Chief Operating Officer

O'Toole, Mr David, Acting Senior Director, Finance and Quality

**THE CHAIR:** Good morning. I welcome Mr Michael Harris, the ACT Auditor-General, and officials. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement, the pink sheet on the table in front of you. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Would you please confirm that you understand the implications of the statement and that you agree to comply with it.

**Ms Hudleston:** Yes, I do.

**Mr Harris:** Yes, I do. Thank you, Chair.

**Mr O'Toole:** Yes, I do.

**THE CHAIR:** Thank you. We are not having opening statements, so we will proceed directly to questions. I will start. I am interested in the release of the report on the family safety levy, which I think we have been waiting for. I thought it was due in April. Have you got any update?

**Mr Harris:** Imminent.

**THE CHAIR:** Imminent?

**Mr Harris:** Imminent.

**THE CHAIR:** Does that mean today?

**Mr Harris:** No, it does not mean today, Chair. We are in the final throes of the last phase of the consultation.

**THE CHAIR:** So it could be a week or it could be six months?

**Mr Harris:** Let me give you about a six-week time frame—something of that order—once we get through that consultation process. All the technical work has been done. The draft is ready to go. We just need to go through the verification process with the agency, which is the very last stage of the performance audit process.

**THE CHAIR:** Any particular reason why it did not come out in April, as I think we originally expected?

**Mr Harris:** I think the team discovered some more information, and they had to go back to the agency and recheck, which is not an uncommon thing. There is at least a two-phase checking process once the draft report is written. The team will go away and

collect all their data. They will then go and basically hibernate like bears for a couple of months whilst they draft the report and come to some preliminary conclusions and recommendations. Sometimes, when we go back to the agency, the agency has discovered more information or more data or whatever, which potentially changes the recommendations and the conclusions, so that verification process can take a little while.

**THE CHAIR:** So it has gone to the agency or agencies concerned.

**Mr Harris:** I think one draft has gone, a very early draft.

**THE CHAIR:** They provide some comments back and then it goes back to them again.

**Mr Harris:** Yes. We give them a very early draft to give them time to go through the detail. We are talking about 100 pages, roughly, of fairly detailed work, so it can take them quite a while to go through some of that material.

**THE CHAIR:** Is that where it is now? It has gone to them for the second time and it has come back to you to finalise?

**Mr Harris:** No, it has not. I think it is in the process where we are about to send it to them for the second time.

**THE CHAIR:** Right.

**MR CAIN:** If I misheard, forgive me. Would it be released before the next sitting period, do you expect?

**Mr Harris:** It will be released as soon as it is ready to go.

**THE CHAIR:** Possibly six weeks.

**Mr Harris:** I am talking about a six-week time frame, on the last advice I had.

**MR CAIN:** The last sitting week is the end of August, early September.

**Mr Harris:** If your question is going to whether there are any constraints on the tabling, the answer is: no, there are no constraints, and when the report is ready I will table it.

**MS ORR:** Can I get a more general update. I know that was on one report. Could you talk about how the program is travelling and where you are up to.

**Mr Harris:** This is 2024-25 you are talking about?

**MS ORR:** Good question. I was actually thinking of 2023-24: how it finished up and then how works are progressing. You are not going to have time to finish anything in the 2024-25 year.

**Mr Harris:** No, I can do both. In 2023-24, from memory, we published nine performance audit reports. We did a couple of information reports on subjects of interest

that we had gleaned over the time. We did a couple of special reports for the public accounts committee. One, in particular, is a follow-up report on the implementation by agencies of recommendations in earlier audit reports that I have tabled.

In terms of financial audit reports, we did 62, or thereabouts, financial audits, a similar number of performance audit statements and two or three acquittal audits, where agencies get commonwealth grants, for example, and they need to acquit their expenditure back through an audited statement. If you add all that up, it is 160 reports or thereabouts.

**MS ORR:** And for this year, the 2024-25 year so far, how are you progressing?

**Mr Harris:** This year we have four performance audits that are about 70 per cent of the way through their process. We have another three or four that are about 50 per cent of the way through, and we have got another probably three or four that are in the initial planning stages.

**MISS NUTTALL:** How do we strengthen public accountability in the ACT government, and specifically what legislative or structural changes do you think are required, from your perspective as Auditor-General?

**Mr Harris:** You strengthen accountability in the public sector by demanding that the public service respond to questions from members of the Assembly in either the Assembly or through the committee, and you strengthen public accountability by ensuring that recommendations from people such as auditors-general are actually followed through.

**MR BRADDOCK:** Sorry; are you suggesting that public servants may not be fully answering the questions that have been put to them by members or following through on recommendations?

**Mr Harris:** No, I was not suggesting that, Mr Braddock. I was merely saying that, in my view, one of the important functions of a parliament, and in this case the Assembly, is to ensure that they are persistent in following through with public servants if they are not satisfied with the answers they are given. They should persist.

**MR CAIN:** Auditor-General, could you provide the committee with the justifications behind your schedule of audits, as outlined in the performance audit program for 2024-25? I mean, what really drives what you look at?

**Mr Harris:** We do a number of things. I speak with members of the Assembly on a regular basis, either in person or through the various committees that I talk to, and I get regular feedback from lots of members of the Assembly on things that I should look at, formally and informally. We do scans of the press, newspapers, radio; those sorts of things. We get a lot of input from the general public, either through public interest disclosures or representations—which we get on a regular basis—about a whole variety of things. We get letters from members of the public. We treat them all as representations, but often they do not meet the threshold of a representation.

We nevertheless collect all that information, put it into our spreadsheets and essentially

cross-reference that data to look at what trends are around, what concerns people, and try to then keep the subjects which are of the most importance. We do that across all agencies, but when we are putting the program together we try to ensure that we do not over-audit particular agencies, given the amount of time and effort that is required to respond to some of the requests that we put in for material. So we try and get a balance across those agencies.

**MR CAIN:** Are there any further procurement reports due for publication in the near future, such as the IT infrastructure renewal projects of the Public Trustee and Guardian?

**Mr Harris:** The public trustee is about 98 per cent complete. We are in the very last stage of consultation with one individual. I suspect that will be done, if not by the end of this month, certainly by the middle of next month. In terms of other procurement, we do not have any major procurement audits planned. We have done, I think, six or seven, plus a couple of information papers. The reforms that were introduced in relation to procurement through the new procurement act I think need a bit of bedding down before we go back and have a look at those sorts of issues again. Notwithstanding that, procurement remains a topical subject, and we always keep a weather eye on major procurements.

**MR CAIN:** Are you satisfied that the procurement reform program and the changes the minister is making to procurement will fix—and I now quote you—“Lack of expertise, lack of practice, unawareness and, in some cases, even naivety”?

**Mr Harris:** I have confidence. The legislation, or the amendments that were introduced, pretty much cover all the areas where we made recommendations in relation to procurement. If it is true that we got our recommendations correct then it should be true that there will be improvements. I hope that is the case, but we would wait a little while to let that bed itself down.

**MR CAIN:** Have you formed a view as to whether the newest attempt to modernise the ACT’s whole-of-government HR and payroll systems through the program ACHRM is adequate?

**Mr Harris:** No, I have not. We will be looking at activity in that area as a consequence of our fairly strong criticism of the previous process.

**MR CAIN:** Is there any timing on that, do you think?

**Mr Harris:** I do not have timing on that at the moment, Mr Cain.

**MR CAIN:** Thank you, Chair.

**MR BRADDOCK:** Auditor-General’s recommendations are agreed by the government and required to be reported upon in the annual report. During the last annual reports hearings there seemed to be, I would say, a substantially different point of view between the Auditor-General and the directorates as to whether progress had been made on those. Do you have a process for resolving those difference of views or ensuring that directorates do actually complete the actions they have committed to?



**Mr Harris:** It is not uncommon for directors-general to have differences of opinion with the Auditor-General. In fact, it is probably more common than not. That partly, I suppose, comes from our different roles. In terms of the implementation of Auditor-General's reports and recommendations, it is the government's responsibility to either agree or not agree with those recommendations. In the majority of cases, they agree with the recommendations. Sometimes you get an in-principle agreement. I think it is the in-principle agreements that cause the majority of difficulty, as far as implementation is concerned.

While agencies are required to report in their annual reports on progress against Auditor-General's recommendations, other than making another recommendation in a subsequent report, I do not have any power to force the director-general to do anything. It is the minister and the government who have the power to do that. I think, in many instances, the language that is used in annual reports is less than clear in describing what progress has actually been made. There could be much clearer language used, particularly in cases where there is difficulty in implementing the recommendation or some reticence towards implementing the recommendation.

**MR CAIN:** In the case where a recommendation is agreed by the government and you form the view that the actual implementation of that falls short in some way, apart from starting a fresh audit, do you engage with the minister or the department to say, "Hang on. You said you agreed with this, but here are my reasons why you are not actually doing what you agreed to do"?

**Mr Harris:** Normally not. My responsibility is to the Assembly and to you, collectively, as members of that Assembly. I have adequate capacity to express my discontent through the public accounts committee or, indeed, through hearings like this, and, to the extent that I express discontent, I just did. If I feel there is obstruction or something similar, then I will express that.

One of the reasons we introduced our special report on the progress of implementation of recommendations, which we give to the public accounts committee, was to ensure that there is actually a mechanism for tracking what is happening or not happening and that there is a formal channel through which I can express a view, if I choose to do so or if I am asked to do so. I think I am right that the public accounts committee, with the last of those reports, actually tabled that report, if my memory serves me correctly. I do not think it did the first one, but it did the second one. I would encourage that, as a strong accountability measure.

**THE CHAIR:** I recall that, back when I was on PAC, some time ago, the Audit Office carefully looked at the public land sale of block 30 in Dickson through the CFMEU-linked Tradies club. The then ACT Auditor-General tabled the report, in 2018, that raised serious issues regarding the sale and, as a result, PAC referred it to the Integrity Commission in 2020. The Integrity Commissioner found no grounds to launch an investigation. Given recent alleged instances of criminal infiltration and corruption within the CFMEU, do you believe there is any reason or grounds to re-examine some of these matters?

**Mr Harris:** I do not, personally. A lot of time, effort and money, for that matter, has

been spent through Audit Office investigations and Integrity Commission investigations. I do not have any evidence, and therefore it is not sufficient for me to commit at least another \$300,000 to reinvestigate a matter which has been well and truly investigated. If strong evidence did come to the fore, my first reaction would be to refer it back to the Integrity Commission, rather than through a performance audit investigation.

**MR CAIN:** Have you encountered instances where the Labor-Greens government have been involved in the sale of public assets to CFMEU or union-backed groups that lacked probity, record keeping or documentation?

**Mr Harris:** No, I have not. The only audit that we have done where any question or suggestion of a union involvement was raised was the Campbell Primary School redevelopment, which is the subject of the current Integrity Commission investigations.

**MISS NUTTALL:** Do complex administrative arrangements create challenges in ensuring accountability for public administration to the parliament?

**Mr Harris:** Sorry; I missed the first part of the question.

**MISS NUTTALL:** Do complex administrative arrangements create challenges in ensuring accountability for public administration to the parliament?

**Mr Harris:** They should not. Government is a pretty complex arrangement. Administrative arrangements are notoriously interesting to put together. At the end of the day, it does not matter how complex they are; you still have a process where you have officials such as us sitting around a table, and elected representatives such as you asking questions. That is the fundamental accountability process, and that is where you should have the most direct involvement. Certainly, from the people answering the question's point of view, using complexity as a reason for not answering the question is an unacceptable position to take.

**MR CAIN:** Auditor-General, has it been a common occurrence, or has there been any occurrence, that the Audit Office's inquiries have been delayed by legal procedures?

**Mr Harris:** Not during my term, that I can recall. We have been threatened a couple of times until we have quietly pointed out the powers that I have available to me, at which point most lawyers have looked at their clients and said, "Do not go there."

**MR CAIN:** What is the nature of some of those threats, as you have called them?

**Mr Harris:** The normal one is commercial-in-confidence: "It is a commercial deal. You will be telling our competitors sensitive information," to which my response is, "This is public money and you will answer my questions," and they do.

**MR CAIN:** Do you have a view on the current situation at the ACT Integrity Commission, where inquiries may have been stalled by legal procedures?

**Mr Harris:** I am not going to comment on procedures that are going on in the Integrity Commission, Mr Cain. That is not a sensible thing to do.

**MR CAIN:** Apart from what you have already mentioned, is there a possibility that some sort of court action could seek to delay your investigation or limit your investigation?

**Mr Harris:** It is possible. I doubt it would be successful, but it is possible. It has never happened, to my knowledge.

**MR CAIN:** Any examples in other jurisdictions that you are aware of?

**Mr Harris:** It is tried frequently. Almost always it is to do with a commercial-in-confidence issue with a private contractor or somebody outside the public sector. Almost invariably that is the case. Almost invariably—in fact, I think invariably—the Audit Office powers override those concerns.

My colleagues in other states are certainly not afraid to publish commercial-in-confidence information if they think it is in the public interest. Indeed, the public interest test is the test that is sitting in every piece of Auditor-General legislation, and that public interest test is a very strong power available to us. That public interest test is a test applied by the Auditor-General; it is not a test applied by somebody else. It can be contested, but if the Auditor-General thinks it is in the public interest, it is the Auditor-General's call to publish.

**MR CAIN:** Is there a case for an increase or an improvement in your current powers to really get the information you need for an audit?

**Mr Harris:** I have never had difficulty getting information for an audit. I have never had any difficulty accessing cabinet documents, if I have asked for them. I have never had any issue as far as access to information or people is concerned, and I would be very surprised if I ever did. If there were to be a challenge and it were successful then I would immediately come back to the Assembly and say, "We need to do something about this," but, until such time, I do not think it is necessary. I think the Assembly would probably be in front of me and wanting to do something about that in any case.

**MR BRADDOCK:** Just to clarify: at this point in time there are no powers that you would be seeking in addition to the current powers in your legislation?

**Mr Harris:** No.

**MR BRADDOCK:** Sometimes there are cases of overlap between the Auditor-General and the Integrity Commission, where you might discover an issue which then needs to be referred on to the Integrity Commission. I am concerned about whether, structurally, legally, that is all set up to operate in the way it should. Is it still reliant on goodwill and cooperation sometimes between those two entities? Are any adjustments required to ensure that cooperation is maintained in the future?

**Mr Harris:** It works at both levels. The Integrity Commission Act requires a level of cooperation between the Auditor-General and the Integrity Commissioner, and there is. In fact, the strategic reviewer who just completed the strategic review of me and my office explored that relationship and makes a comment in the strategic review about the

effectiveness of that relationship. There does, from time to time, arise a circumstance where I may have some reticence about passing on a piece of documentation. I will give you an example in a minute. If that is the case, the commissioner has subpoena powers to require me to provide that information, and from time to time those powers are used.

The example is where we hold information which belongs to somebody else. If it is information generated by the Audit Office then it is my discretion as to whether I release it or whether I do not without subpoena. If it belongs to another entity then my view is that it is not my information and I do not have an automatic right to give it to anybody else voluntarily. If the commissioner wanted such information, the normal protocol is that he would provide me with a subpoena asking specifically for that information, and then I would provide it.

**THE CHAIR:** Anyone have one quick final question?

**MR CAIN:** I do.

**THE CHAIR:** Are you sure it is quick?

**MR CAIN:** It depends on the answer.

**Mr Harris:** I will be quick.

**MR CAIN:** Auditor-General, I note that in the 2024-25 program the ACT's digital processes will be audited. Could you speak to the ACT's performance in digital as a thematic area of government and how you observe its ability to adapt and transform in this space.

**Mr Harris:** Good.

**THE CHAIR:** That was a nice short answer. Well done.

**Mr Harris:** I think just one small expansion.

**MR CAIN:** Even though there have been some critical failures?

**Mr Harris:** There have been, but I think, when you look at the overall picture from a digital point of view, the system that is here is pretty robust and it is very responsive to challenges and difficulties. I do think it works well. The work that we are doing undoubtedly will uncover some improvement areas. I have no doubt about that, but I would be very surprised if we found any fatal flaws.

**MR CAIN:** And your review of the HRIMS failed project? Do you feel that that has been properly undertaken?

**Mr Harris:** That was a deficiency in governance. I do not think it was a deficiency in digital technology. It was a failure of governance.

**MR CAIN:** I guess that touches on government performance.

**THE CHAIR:** Mr Cain, we said one quick question, and now you have asked three. We will call it quits there. Thank you. Keep on time. On behalf of the committee, I thank you all for appearing today. I do not think you have taken any questions on notice. Thank you again for appearing. We will now suspend proceedings for morning tea and reconvene at 10.45 am.

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

Appearances:

Davidson, Ms Emma, Minister for Community Services, Seniors and Veterans, Minister for Corrections and Justice Health, Minister for Mental Health, and Minister for Population Health

Canberra Health Services

Zagari, Ms Janet, Acting Chief Executive Officer

McKenzie, Ms Katie, Acting Deputy Chief Executive Officer

Justice and Community Safety Directorate

Glenn, Mr Richard, Director-General

Aloisi, Mr Bruno, Acting Commissioner, ACT Corrective Services

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

**THE CHAIR:** Welcome. Ms Davidson MLA, Minister for Corrections and Justice Health, and officials, thank you for joining us today. We have many witnesses for this session. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Could you please confirm that you understand the implications of the privilege statement on the pink sheet and that you agree to comply with it.

**Ms Zagari:** I confirm I have read the privilege statement.

**Ms McKenzie:** I confirm I have read and understand the privilege statement.

**Mr Glenn:** I have read and understand the privilege statement.

**Ms Davidson:** Yes; I have read it and understand.

**Mr Aloisi:** I have read and understood the privilege statement.

**Mr Johnson:** I have read and understood the privilege statement.

**THE CHAIR:** Thank you. We do not have opening statements, so we will proceed directly to questions. I have one about reparation orders. Given the estimated outcome that 94 per cent of reparation orders will be completed within the counting period, why does the budgeted figure expect only 70 per cent?

**Ms Davidson:** I will pass that one to Bruno to address.

**Mr Aloisi:** In the previous year, we actually underperformed against the target, so I could say that we took a fairly conservative approach in setting the target moving forward. Whilst we note our anticipated outcome for this financial year is significantly higher than in previous years, we would say that, because we are such a small jurisdiction and deal with such a small number of orders, those numbers can actually oscillate quite significantly. That is the approach. If we had a consistent pattern of

achievement at that level, then, naturally, we would adjust that target upwards.

**THE CHAIR:** What impacts did COVID related legislation have on these figures, if any?

**Mr Aloisi:** I think it is fair to say that the COVID related legislative amendments had a positive impact in terms of completion rates. Part of the COVID provisions was a Community Service Work Credit Scheme where, effectively, detainees were credited hours for completion of community service hours, because they were unable to access community service work at that time.

**THE CHAIR:** That is it from me. Miss Nuttall.

**MISS NUTTALL:** Thank you, Chair. Women make up only a small percentage of the people in the Alexander Maconochie Centre and they have different needs to the men in prison. Over the years, and including in the healthy prisons review, issues have been raised about the conditions and services for women in the Alexander Maconochie Centre. What is being done to support women on remand and women serving sentences in the AMC?

**Ms Davidson:** Before I pass to Bruno to talk in more detail about that, I can say that there have been quite a few external providers coming into the AMC more recently to run programs with the women, and that is proving to be very positive for everyone. Sexual Health and Family Planning ACT are in there working on education programs around sexual and reproductive health. We have a healthy eating program being delivered by Nutrition Australia. We have alcohol and other drug treatment programs being delivered by Toora. There is a really interesting fitness program being delivered by Push Comes to Shove Fitness that is really helping the women to engage both mind and body in their physical and mental wellbeing. The ACT Office for Women is delivering a return-to-work program, and there is also a post-custody mentoring pilot that is currently in the process of getting up and running. I can pass to Bruno to talk in more detail about the diversity of programs and why it works so well.

**Mr Aloisi:** Thanks, Minister. The minister has outlined a number of programs that we are very excited about, in terms of them being quite innovative and increasing the range and variety of services that are available for women. We are very committed to ensuring equitable service provision in ACT Corrective Services, and that reflects the often complex needs of women in particular, and knowing that a lot of women, in terms of their backgrounds, might have experienced complex trauma. We know that a large proportion of the women are victims of domestic, family and sexual violence as well, so we need to ensure that our programs meet the requirements of being trauma-informed and responsive to their needs.

In terms of what guides us, we have the Walking with Women on the Pathway to Change framework. That sets the structure of how we develop policy in this space and address the specific needs of women in custody and in the community as well. In terms of trauma-informed care, we have a strong focus on that in Corrections with trauma-informed training being provided to our staff. One thing that we have looked at specifically is the facility in the women's area. We engaged a principal architect who actually specialises in secure facility architecture to look at our women's area and work

out if there is anything we could do in terms of the furniture, fittings and equipment within the women's area to ensure that it provides a trauma-informed space and a more homelike feel. That is a piece of work we have engaged in. We have female case managers available to women for daily support, but they also make sure that women are referred and any welfare concerns are looked at from that perspective. Upon induction to custody, female detainees are provided with a female induction handbook which outlines the processes in place in the women's accommodation area and program availability.

**THE CHAIR:** A supplementary, Ms Castley?

**MS CASTLEY:** Is it still viewed as appropriate to accommodate women in the same prison as men or have there been any moves to see the women moved to another location?

**Ms Davidson:** If we were to move the women to another location, we would be talking about building a whole new prison for women in the ACT. That would be quite an undertaking and is not something that we are currently working on. We are trying to make sure that the diversity of programs that we are offering is suitable for the really broad range of needs of women who are sentenced or in there on remand. There is a whole range of criminogenic programs that they might need to participate in, as well as wellbeing programs. We are aiming to have them in a better position to go back out into the community and achieve the life outcomes that they want to achieve for themselves.

Things that we are continuing to do include, for example, the announcement yesterday about funding for family counselling. That is also really important in maintaining family relationships. If we were not able to accommodate women safely and in a supportive way in the ACT, it would actually be harder for them to maintain those family relationships, because they would have to go interstate, as it happened before we had a place in the ACT for corrections.

**MS CASTLEY:** Have there been costings before on moving the women, given that it has been an ongoing recommendation of the Human Rights Commission?

**Ms Davidson:** Building a whole new prison for women in the ACT when we have a very small number of women in total is not something that we have looked at.

**THE CHAIR:** Mr Parton, do you have a substantive question?

**MR PARTON:** Thank you, Chair. I want to ask some questions about the final year of spending on what is described as "improving infrastructure and wellbeing" at the AMC. This is on page 38 of *Budget statements D*. Total project cost is \$5.9 million and the allocation in this budget is \$1.2 million. Could I have a brief summary of what infrastructure has been and is being improved in this expenditure line?

**Ms Davidson:** Before I pass to Bruno, who can talk more about the expenditure in that line item, we are doing some assessment and planning on improvements to infrastructure at the AMC, and we are doing that within the context of the AMC master plan. That also includes upgrades to the Hume Health Centre's infrastructure. That consultation is currently underway and a final report will be released later this year.



That will be about planning for future needs of the AMC and making sure that what we have is fit for purpose into the future. I will pass to Bruno who can talk more about that line item.

**Mr Aloisi:** Just to confirm, we are talking about improving safety and wellbeing at the AMC. The capital funding of \$7.7 million was for a new training classroom and to install individual lockers for medicine and clothing and additional storage at the AMC.

**MR PARTON:** Mr Aloisi, what I was actually referring to is the one above that for “improving infrastructure and wellbeing”, with the total project being \$5.9 million and the spending in this budget being \$1.2 million.

**Mr Aloisi:** Apologies. I have that now. This capital funding of \$5.294 million over two years would be used for an upgrade to critical infrastructure, including the gatehouse, the visitors’ car park and bulk storage facilities, and procuring a second body scanner for ACT Corrective Services.

**MR PARTON:** Given that, according to budget papers, completion of these projects is due by next month, is that going to happen? The budget papers suggest that completion of these projects is due by August 2024. Are they going to be completed on time, given that this money has just been appropriated in the most recent budget?

**Mr Johnson:** Many of those projects are practically finished now. The gatehouse is commissioned and finished. A covered walkway is being finalised out of a different part of the budget. Most of those projects, if not all of them, are pretty much done and only the technical finalisation needs to occur in August. That is my understanding of all the projects that were just read out.

**MR PARTON:** What is the need for the appropriation of a further \$1.2 million in the budget that we are discussing today, given that, Mr Johnson, according to your evidence, most of these works are already finished? What is the \$1.2 million for?

**Ms Davidson:** It is actually not unusual for there to be a final payment once the works have been finished and you have signed off that everything is right. That does make a difference to the financial year in which things are accounted.

**MR PARTON:** You have indicated that it is not unusual for that to happen. Are you telling me, as the minister responsible, that that is the case with this \$1.2 million—that the majority of it is for sign-off payments—or are you just—

**Ms Davidson:** Ray can talk more about the final payment process.

**Mr Johnson:** If this proves to be incorrect, we will certainly come back and clarify it. My memory of the process is that we wanted to have practical completion prior to the end of the financial year, but, as a result of one or two things related to contractors and so forth, we could not, so the August 2024 completion means that some of that money has rolled into this financial year, with a view to paying out the rest of the contractual costs. That should be what completes that work. If it is more complex than that, Chair, I will take it on notice and we can provide you with more detail.

**MR PARTON:** Thank you.

**THE CHAIR:** So \$1.2 million was rolled over from last financial year to this financial year?

**Mr Johnson:** Yes, as I understand your question.

**MR PARTON:** Excellent. Thank you.

**THE CHAIR:** Dr Paterson.

**DR PATERSON:** Thank you. My question is in respect of the development of the AMC master plan. I am wondering whether you can outline details of that project, its progress and the cost of it?

**Ms Davidson:** I will pass to Bruno to talk about the detail of that and where it is up to.

**Mr Aloisi:** Thank you. The AMC master plan is obviously going to inform our longer term infrastructure requirements at the AMC. It has a particular focus on the reintegration precinct, the women's area and health as well. We have engaged a consultant. They are currently working their way through the AMC master planning process, including due diligence and feasibility work. In terms of where we are up to at the moment, we anticipate having the final draft of the master plan in October this year. I would say that, so far, the work has been highly productive. We have good engagement from a range of stakeholders, including our health colleagues, so we anticipate that we will deliver a really informative and useful piece of work in terms of informing those longer term infrastructure requirements.

**DR PATERSON:** Will that prioritise progressing different projects within the AMC?

**Mr Aloisi:** Yes. The master plan will outline particular areas. In terms of the work, decisions will be made on which areas are progressed and prioritised first. As I said, it will probably focus on those three areas: health, the women's area and the reintegration precinct.

**DR PATERSON:** Will the master plan be made public?

**Mr Glenn:** Dr Paterson, that will be a decision for government once we have provided the report to them.

**DR PATERSON:** Thank you.

**MS CASTLEY:** I have a question about the Community Health and Hospitals Program. Is this the right session? It is about the alcohol and other residential rehab expansion and modernisation.

**Ms Davidson:** That sounds like it would be for the population health session.

**MS CASTLEY:** Justice Health—*Budget statements C*.

**Ms Davidson:** You are talking about a different program.

**MS CASTLEY:** Page 19 of *Budget statements C*, table 17, shows a reclassification of just over \$1 million from 2023 to 2024-25 for the Community Health and Hospitals Program, alcohol and other drugs expansion and modernisation. However, the project agreement between the ACT government and the federal government was signed in 2023 and commits to a completion of the expansion of the alcohol and rehabilitation program by the end of February. I am wondering whether that is complete. Is there any report on that update?

**Ms Davidson:** That sounds like a question that would be for Janet at CHS, in terms of where that is up to. We may need to take on notice the detail of exactly where it is up to, but I will pass to Janet who can talk about what we know so far.

**Ms Zagari:** We will need to take that on notice. I think that is a directorate program, but we will take that on notice and come back to confirm.

**MS CASTLEY:** Okay. I am wondering whether it did finish in February and, if not, is the commonwealth funding at risk? That is the question. That is it. Thank you.

**THE CHAIR:** I would like to ask about the budget item for upgrading AMC essential services, on page 39. Can you tell us which essential services are being upgraded in 2024-25 for the cost of \$1 million?

**Ms Davidson:** I think that is a question that Bruno will be able to answer.

**Mr Aloisi:** Sorry—could you repeat the question.

**THE CHAIR:** Which essential services are being upgraded in the 2024-25 year for the cost of \$1 million?

**Mr Aloisi:** I think those expenditures mostly relate to the detainee telephone system upgrade.

**THE CHAIR:** Thank you. The projected completion for the upgrade is June 2025, but there is a further \$1 million budgeted in 2025-26. Why would that be?

**Mr Glenn:** Ms Lawder, I imagine that will be the difference between physical completion and financial completion of the project. It is done and the bills come later.

**THE CHAIR:** When were those services first flagged for upgrade?

**Ms Davidson:** Is the history of the upgrade to the telephone system something that we can answer today?

**Mr Johnson:** We might have to take that on notice to be exact. The detainee telephone system has been a couple of years in the making. It goes back to COVID's impact on the progress of that project, as well as some technical issues that we discovered along the way. It is probably best that we take that on notice to ensure we know exactly when that started.

**THE CHAIR:** Are you suggesting it is slightly overdue—a COVID-related delay?

**Mr Johnson:** Yes.

**THE CHAIR:** Thank you.

**MR PARTON:** Chair, are you finished on that line?

**THE CHAIR:** Yes.

**MR PARTON:** In two sentences or fewer, what does the actual upgrade to the telephone system entail? What is the outcome?

**Mr Johnson:** The detainee telephone system is a system which allows detainees to access the external telephone communications system, and that of course requires an amount of both software and hardware that sits within the AMC. That is a period of time that goes back to the introduction of the AMC, when it was opened. It needs to be refreshed. This is recognition that technology has moved so far that it is time to have a fresh look at telephone communications. Without getting into technicalities, because I do not know about them, some of the boxes and the technology were out of date and it made it difficult to keep the cost down etcetera. That was the genesis of the need to go through the process of upgrading the detainee telephone system. Of course, as you look at the world now, communications are broader than just through telephones. We are exploring things that include other ways of communicating with the outside world which fit into that.

**MR PARTON:** Excellent. Thank you.

**MISS NUTTALL:** We know that when people receive the program services and care they need while they are in prison, they can return to the community and are less likely to repeat the kinds of behaviours that lead to their incarceration. However, we also know that being in prison can disrupt people's housing, health care and connections. Going to homelessness from prison is not going to help anyone rebuild in a positive way, but we also do not want people to stay in the AMC for longer than they have to, solely due to the lack of appropriate housing for them to move to. Unfortunately, in many cases, Aboriginal and Torres Strait Islander people are over-represented in facing housing issues on their release. So, with that in mind, what is being done to make that sure that people are able to leave the AMC when they have stable accommodation and support?

**Ms Davidson:** Before I pass to Bruno, who can talk some more about the Justice Housing Program, the Justice Housing Program has a bit over \$5 million in funding over two years. We also have an Aboriginal and Torres Strait Islander men's transitional accommodation program now. These programs are for short-term transitional accommodation and wraparound support for people who are eligible for bail or parole or eligible to complete community based orders that otherwise would have been hard for them to do because they do not actually have stable accommodation to go to. An evaluation process was done by the ANU in 2023. That really demonstrated to us how important this program is in helping people to complete their conditions and be able to move into stable long-term accommodation, but it also highlighted to us that we could

do with expanding that program further and maybe having some greater diversity of accommodation options in the future. So it has given us some good things to look at for the future, but it is certainly a program that has proven its value and needs to continue. Bruno can talk more about how the Justice Housing Program works.

**Mr Aloisi:** As we have already stated, accommodation—and I probably should emphasise supported accommodation—is an element that has supports wrapped around a person rather than just bricks and mortar. That is a key component of the Justice Housing Program. We know this is a critical socioeconomic determinant in future offending behaviour, and we know our clients often face significant barriers to accessing housing.

In terms of what the Justice Housing Program has done, and specifically looking at Aboriginal and Torres Strait Islander clients, since the commencement of JHP in May 2020 until 4 July this year, there have been a total of 245 occupants in the JHP and across the transitional accommodation program as well. The 218 men included 71 Aboriginal or Torres Strait Islander men. The 25 women included 12 Aboriginal or Torres Strait Islander women. And there were two transgender persons, one of whom was Indigenous. So, in terms of the actual number of clients going through those services, I think it has been shown to be a quite effective measure.

As the minister points out, it is only transitional accommodation. The next question is in terms of where the person goes from there. That is an important element. The benefit of having a partnership with a community organisation which provides those sorts of intensive wraparound services for individuals is that they can then focus on the socioeconomic determinants: helping people get their finances in order, helping them reconnect with their families, helping them perhaps address their mental health, alcohol or drug issues, and supporting them with appropriate linkages to other services as well. That has been a key achievement of the program.

**Ms Davidson:** There are certainly people I have spoken to who have been in programs like this—in these kinds of transitional accommodation programs—coming out of a period of time when they were sentenced. They have said that being able to find housing and knowing that there would be somewhere to go—that they were not going to be released into homelessness—has been a really important factor for them in making sure that they do not continue to engage in harmful behaviour in the community that creates a safety problem; they can focus instead on addressing the other things going on in their life.

**THE CHAIR:** Perhaps for the past financial year, how many people had their release delayed because they did not have housing to go to?

**Ms Davidson:** How many people had their release delayed because of housing issues is a question that we will need to take on notice.

**THE CHAIR:** Thank you.

**Ms Davidson:** Certainly, the evaluation from the ANU on the Justice Housing Program showed that it would be able to provide services to more people if we had more places available. Expansion is something that we should be looking at.

**MR PARTON:** I have a supplementary to that one. Obviously, this a transitional accommodation program. Typically speaking, how long is that transition? You talk about 240 occupants. I would love to know the average amount of time that they are spending in transitional accommodation.

**Ms Davidson:** That is something that is actually talked about in the evaluation that was done by the ANU. I have noticed that this is an issue that affects not just things like the Justice Housing Program but also lots of other crisis or transitional accommodation programs. When there are not enough public housing properties to move people into, people end up staying in transitional accommodation longer than they would ideally like. That gives us an opportunity to do something that will make a big difference, if we get more public housing built faster.

**MR PARTON:** But, Ms Davidson, specifically around this program, I ask: what is the average time?

**Mr Aloisi:** I can respond to that. This came from the ANU evaluation. The average length of stay is 99.2 days, with a median stay of 63 days. So, in terms of the JHP, residents are offered a three-month lease in the first instance. However, if there are reasons that require a person to stay beyond those three months, we obviously look at that on a case-by-case basis.

**MR PARTON:** I am sure it came up in a previous answer, and it will be in here, but what is the total expenditure on the Justice Housing Program?

**Ms Davidson:** I think Bruno has the numbers, but I know that we have a bit over \$5 million over two years for that program.

**MR PARTON:** Finally, when did the Justice Housing Program actually commence? When was it first rolled out here in the ACT?

**Ms Davidson:** When it actually started will also be in the ANU evaluation report.

**MR PARTON:** Is anyone here able to tell me?

**Ms Davidson:** I did not bring the report with me.

**MR PARTON:** That is all right.

**Mr Aloisi:** In terms of actual acceptance of residents, I believe it was May 2020.

**MR PARTON:** Excellent. That is it for me, but I think it is back to me.

**THE CHAIR:** Yes, for a substantive question.

**MR PARTON:** I go to recidivism rates. Will the government hit its recidivism goal of 31.7 per cent by 2025? The rate of decline certainly suggests that is unlikely. Minister?

**Ms Davidson:** There are a lot of factors that go to whether someone is going to continue

engaging in harmful behaviour or not, and they are not all directly controlled by what happens within the corrections space. We know there are also some things that we need to work on regarding some of the social determinants as to why people might engage in that behaviour. That is why we are continuing to invest in more things like community delivered mental health care, more drug and alcohol rehabilitation supports, family supports, and family violence prevent work as well. All those things actually do have an impact. But, in terms of things that we can do within the corrections space, there are programs that we will continue to run that we know actually help in reducing some of that harmful behaviour. That is why we have made some of the changes—for example, to the women’s programs that we were talking about earlier. If we can address some of the reasons women are engaging in behaviour that creates a community safety risk while they are in there, it makes it easier for them to return home and not engage in those things anymore.

**MR PARTON:** That is all very helpful, but the question was: are you of the belief that the government will hit its recidivism goal of 31.7 per cent by 2025? Do you believe that is a realistic goal?

**Ms Davidson:** I think it is a realistic goal to aim for. You have to have a target that you think is potentially achievable but also has some ambition to it. We are not here to only solve easy problems; we are actually here because we want to solve some of the hard problems that our community is facing, and that means that we actually have to try some things that are a little bit different.

**MR PARTON:** All right. That will do me.

**DR PATERSON:** Minister, the healthy prison review in 2022 recommended addressing sexual coercion and sexual violence within AMC. This is also a recommendation of the JACS committee’s annual report. I note that you tabled the report of a review into a critical incident in April this year—an alleged sexual assault of a detained person. What tangible things have been put in place since the government response—or since that sexual assault took place—to ensure it does not happen again?

**Ms Davidson:** I think Bruno will be able to talk to the changes that have been made since then.

**Mr Aloisi:** One major piece of work in relation to the management of sexual coercion and violence in correctional centres has been the development of a framework around that. We are in the process of developing what is called the preventing, tracking and responding to sexual coercion and violence framework at the moment. Effectively, an action plan will come from that. The types of things that we will be looking at include staff capability. Upskilling our staff in practices that might assist in identifying these issues has been identified. Things we have already done include how we engage with detainees around these issues. For example, the five-minute interventions are where all our staff—custodial officers and our other staff—look for opportunities to engage with detainees around specific issues, being inquisitive and curious in terms of their interactions. That adds to help in relation to security for an individual, but it also helps with open dialogue to make it more likely that a detainee will feel more comfortable in reporting these things, because we know that, in these situations, underreporting often occurs.

As part of our induction processes, we make sure that detainees are aware of the channels to seek assistance or get help if presented with these issues. That is something that we currently reinforce, but we know we need to do more work in terms of guiding people through the induction process, specifically around sexual coercion and violence. We currently have systems for detainees to provide feedback, whether that is through us or any of the oversight bodies. It is about making sure that we are promoting the opportunities for feedback so that detainees have a voice and can actually advise us on what they want.

In terms of developing the framework itself, we have engaged with detainees in this process and are making sure that we are incorporating their feedback. Reporting around sexual violence is something that we definitely have a focus on—making sure that we, as much as possible, encourage people to speak to police, if needed, in these circumstances. We really make that part of our process. And, as part of our critical review process when these things occur, we look at identifying opportunities for improvement as well.

**DR PATERSON:** Recommendation 1 of the critical incident is in relation to data collection on reported sexual assaults. It says that Corrective Services will incorporate a review of data and reporting into current work being undertaken. A recommendation that stems from nearly every JACS inquiry that we have had this term has been around data collection and data reporting. Can you tangibly take us through what improvements to data reporting and collection will be made with respect to sexual assault but also more broadly within Corrective Services?

**Mr Aloisi:** Perhaps I will start more broadly. A couple of years ago, we stood up what is called our Strategy, Data and Research Branch. That took ownership of reviewing our data capability, amongst other things, including our research and evaluation side. One thing they did initially is conduct a review of our performance indicators. That included our strategic and accountability indicators, as well as key performance indicators for both internal and external use, basically so that we can better understand the impacts of any legislative change, policy change or operational change, acknowledging that we can use that information to drive service delivery more effectively.

That review had extensive consultation across ACT Corrective Services and several recommendations have been adopted. One of the recommendations was that we obviously need to always look at ways to continue to improve the consistency and the quality of the data, including data on things like sexual assaults and corrections orders. One of the key tasks they have done is improving our data automation capability and our reporting tools, using things like Power BI. We have really had a focus on that to make sure that we have real-time data that we can access to help support our service delivery.

As part of that piece of work, we also have a specific data scientist position within the team. As well as developing that automated dataset, they are looking at producing reports specifically around things like disability, which is another area where we acknowledge that we need to improve our data holdings. Those are the key pieces of work that we are doing internally within ACT Corrective Services to improve our data



capability at the moment.

**DR PATERSON:** Thank you.

**MISS NUTTALL:** I have a supplementary, if that is okay, on the healthy prison review. I understand that part of the recommendations talks about the need for improved relationships between Justice Health, Winnunga and ACT Corrective Services. What is being done to ensure that these three critical services are working together productively to deliver services for the people in the AMC?

**Ms Davidson:** One of the really good things that we have been able to do is establish a justice health strategy that brings together Winnunga, Corrections and Justice Health, all working collectively on some agreed objectives around what they are there to do. In order to do that piece of work, it meant that people had to be able to sit down and have conversations about how they work together and what they are doing. I will pass to Katie who can talk a bit about the development of this piece of work. I cannot stress enough how big a change it is to be able to have these three organisations, who have very different perspectives on what they are doing, come together and work collectively on better outcomes for people who are in the AMC.

**Ms McKenzie:** Thank you, Minister. As well as the strategy, we are using our Detainee Health and Wellbeing Executive Oversight Committee to come together to discuss the issues that arise from the operational committees that sit below that. It is about the three organisations: Winnunga, Canberra Health Services and ACT Corrective Services. Some of the issues that we are discussing in real time relate to actions within the strategy, such as medication management and next steps in nicotine replacement therapy. There has been a marked improvement from the commitment to come together, have shared goals and work on those shared goals together.

**MS CASTLEY:** In *Budget statements C*, under output 1.2 is the item “Proportion of current clients on opioid treatment with management plans”. It is noted that there was a target of 98 per cent for both 2023-24 and 2024-25. However, only 87 per cent was achieved. That is a miss of more than 10 per cent. The footnote says that the implementation of the Digital Health Record will enable better performance against this measure. Does that imply that some people are currently on opioid treatments; however, they are just not recorded correctly?

**Ms Davidson:** Before I pass to Katie, who can talk more about the way that opioid maintenance therapy is recorded in our data systems, I would note that this is a program that has been running in the AMC for quite some time. The DHR was actually brought in the AMC before anywhere else. It is one of the most difficult-to-manage physical infrastructure environments to bring in a data system. It was quite a big piece of work to do that, and it has been really helpful in improving our ability to see who is taking which medication and when. Katie can talk more about how OMT is managed and how the data is managed.

**Ms McKenzie:** Thank you, Minister. This is an indicator that sits in the population health portfolio. I can talk to it, but I am going to seek advice from Janet about whether I should do that here or whether we should hold it over.

**Ms Zagari:** Thank you. If I can return to your first substantive, Ms Castley, I have also been informed that it is under the population health portfolio, as well as sitting with the directorate. I would direct it through on Thursday.

**MS CASTLEY:** Thanks.

**THE CHAIR:** Disability justice. We hear that people with disability are vastly over-represented in the criminal justice system. That may include people with an acquired brain injury or mental health issues. The timely and adequate identification of a disability and associated needs is imperative. That is about strengthening screening processes et cetera. That was in, for example, amongst other places, the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. Can you tell us about the screening that happens at the AMC? Do you use a screening tool for intellectual cognitive disability in the correctional setting? Is it currently in use? And what is your identification rate for people with acquired brain injury or intellectual disability?

**Ms Davidson:** Before I pass to Bruno, who can talk more about the screening tools that we use for disability on induction into the AMC, we also have a network of disability liaison officers throughout the justice system—not just in the AMC but also in other parts of the community where people with a disability might come into contact with the justice system, either as someone who has been charged with an offence or as someone who has been a victim of crime. Those disability liaison officers have been critically important in helping all our organisations better understand the diversity of needs that people might have and how we can support them. In terms of specific screening tools when people come into the AMC, Bruno can talk to you more about how they work.

**Mr Aloisi:** Thank you, Minister. We have what is called the Footprint Survey. This is a survey that looks at various aspects of functioning. In it are the Washington Group questions which specifically look at disability, although we are looking at other potential screening tools and assessment tools for disability at the moment. Currently, we administer our induction Footprint Survey with all new detainees coming into the centre. That is what we use.

In terms of your question around the identification rate, we introduced the Footprint Survey on 22 March last year. So, going to one year's data, to 21 May this year, 620 Footprint Surveys were completed. In terms of disability, 24 per cent of detainees responded that they had a disability, and, of the 24 per cent, 63 per cent described their disability as being mental health related, 19 per cent described it as physical, 13 per cent described it as intellectual, and five per cent described it as sensory. I probably should note that it is based on self-reporting, so it includes people who might have received diagnosis of a disability outside of this process and people who might not be aware they have a disability. This is really a first screening process at induction. That is why we are looking at other assessment tools in this space at the moment.

**THE CHAIR:** It is a self-identification process. You do not screen separately at the moment?

**Mr Aloisi:** It is part of the Footprint Survey, which is our initial screening and induction—

**THE CHAIR:** But it is up to them to identify?

**Mr Aloisi:** Yes. A number of areas are about self-reporting.

**THE CHAIR:** At the public hearings of the royal commission, the ACT government indicated a specialised screening tool was under development. The first Disability Justice Strategy action plan, from 2019 to 2023, also committed to trialling disability screening tools across all justice settings in 2021. Are you saying that has not occurred or are you counting the Footprint Survey as your disability screening tool?

**Ms Davidson:** I would note that Bimberi also screens people coming in with disability and they have also done some trials of screening tools. I think it was the Washington tool that was being used at Bimberi. That might be something that you could ask the minister for youth justice about. I think that started around 2021 or 2022, and it has proven to be very helpful in getting an understanding of what people's actual support needs might be, regardless of whether they know they have a diagnosis of a condition or not.

**THE CHAIR:** Are you saying the Footprint Survey is the specialised screening tool that you told the royal commission was under development?

**Mr Aloisi:** The Washington Group of questions, which sit within the Footprint Survey, are the screening tool that we currently use for disability.

**THE CHAIR:** What was the one that was under development that you told the—

**Mr Aloisi:** We are looking at the Hayes Ability Screening Index, the HASI. That is another tool that is used in this area.

**THE CHAIR:** But it is not actually under development, though, is it?

**Mr Aloisi:** No; we are not developing it. That is an existing tool, as is the Washington Group one.

**THE CHAIR:** Do you know how many people entered the justice system with hearing loss—those that were self-identified and those you found?

**Ms Davidson:** That is a level of detail that we might need to take on notice: how many people have identified as having hearing impairment on induction?

**Mr Aloisi:** I may be able to answer that, Minister. I have the survey here for that 12-month period. Thirty-four individuals were identified, and that is six per cent.

**THE CHAIR:** I am really interested in the number of people who are not yet diagnosed but are entering the justice system. So they do not self-identify, but, if we know about their disability—whether it is intellectual, mental, hearing loss or whatever it may be—we may be able to offer better support and programs. What are you doing about this?

**Mr Aloisi:** It is important to note that this is only at the initial induction phase and this

is only induction that ACT Corrective Services performs. Health performs an induction as well. There are also other opportunities. It might be through the individual's contact with, for example, their case manager in AMC that these things come out—through further dialogue. This is just our first opportunity to identify it. Along a person's journey in AMC, these things will often become evident through further conversation and dialogue.

**Ms Davidson:** It is also important for us to be thinking about when someone is exiting the AMC what supports they might need when they are going home to the community. It has been important to be able to plan ahead for people if they are, for example, eligible for a NDIS plan to have the right supports in place so that they are not going home without the right things having been put in place for them. If we were to lose access to those kinds of programs of support, it would make it much harder for people to live a healthy life that helps them to achieve their goals, as opposed to engaging in behaviour that might be harmful for themselves or others.

**Mr Johnson:** Perhaps further to that, Chair, if it would be useful, in the preceding six months before release, the teams at AMC do a lot of work, where appropriate, on connecting people with NDIS before exit, for instance. That is something that can be done and organised. NDIS themselves have set up a team that is particularly focused on people moving out of custody spaces for all jurisdictions. So that linkage is well made. On the pathway out, as the minister made the point, we are in the early stages but working hard to try and make sure, where we can, we can link them with services that they may not have been aware they needed but can get the link to the appropriate NDIS packages on the way out.

**Ms Davidson:** A number of people that I have spoken to, both within the ACT's system who have been in the AMC and in interstate corrections facilities, have talked about how the health services that they were able to access while they were serving their sentence enabled them to identify what it was that was related to their disability that needed support that was then leading to them engaging in behaviour that was not getting them to where they wanted to be in life, and that had they not been able to connect with those health services and those social supports, they would not have been able to make the changes that they were able to make when they came back out again. So these things are important. That is why we keep investing in things like the Disability Justice Strategy, and the next action plan will be very important for us.

**THE CHAIR:** Do you offer hearing screening?

**Ms Davidson:** I can pass to Katy, who can talk about what hearing audiology services people have access to while they are in the AMC.

**Ms McKenzie:** Thank you, Minister. No, we do not have an audiology service available. But, in the same way that anybody can in the community, if a detainee discusses with their general practitioner that they are having hearing challenges, it would be the detainee and the general practitioner who would move forward with a plan, and we would refer to appropriate services. That would be a clinical judgement, and those appropriate services are the same that we would refer to for anybody in the community. So it would be a space of community equivalence, and the referral would be made to the most appropriate service as determined by the general practitioner within

the Justice Health team.

**THE CHAIR:** I think you said that six per cent were identified with a hearing issue.

**Mr Johnson:** Six of the ones who identified with a disability.

**THE CHAIR:** It seems lower than the population average and specifically much lower than the Aboriginal population.

**MISS NUTTALL:** The safety and wellbeing of staff in an environment like a prison, which involves management of inherent risks, is of critical importance. How is the safety of staff being protected in the AMC and how are their needs and their wellbeing being supported?

**Ms Davidson:** The Blueprint for the Change program has been really important in looking after staff wellbeing, making improvements and actually engaging the staff themselves in making the decisions about what those kinds of improvements should be. The number of activities and the way in which staff engaged have led to what Christine Nixon described as a noticeable positive shift in organisational culture and safety. To know that that improvement in organisational culture and safety has actually come directly from the people themselves who are working there is, I think, a really good indicator of why it has worked so well. I can pass to Richard, who can talk a bit more about the Blueprint for Change program and how else we look after staff wellbeing and safety.

**Mr Glenn:** Thank you, Minister. There are a range of initiatives that have emerged as the result of the Blueprint for Change and other work that has been carried on in the AMC and indeed in the court transport unit—so across Corrections custodial environments and Community Corrections as well.

On safety, there are some overt measures we have been able to take in terms of equipment and training for Corrections officers to be able to feel better equipped to engage in occasionally risky activities with the detainees. Equally, there has been a whole body of work around the way in which Corrections officers and detainees engage with one another on a day-to-day basis. The five-minute intervention program that Bruno mentioned earlier, is about a way of having an early conversation very quickly with a detainee before anything escalates and to say, “What is actually going on here? How do we solve what is happening? You are having a hard time and we are having a hard time together; how do we get out of that?” That has been a really important innovation, because safety is not just about the acute end when something is going wrong; it is also about the everyday, day-to-day interaction that says, “How do we make this a place, where you are living and we are working, a safe place for all of us?”

The wellbeing piece is being particularly important across the Corrections staff. We have a range of EAP and other psychosocial supports available to staff. It has been very forward leaning in terms of accessibility and different ways of providing those services to staff members as they need them. A peer support network has been developed so that staff are actually engaging with one another and helping each other out in real time. Those measures have been really quite successful, and the feedback from staff has been incredibly positive. I think we need to continue that endeavour.

In many ways, the Corrections environment has been a little bit behind some other first responders in terms of peer support and overt EAP and other support for people. That is something that both Mr Aloisi and Mr Johnson have driven very hard to actually bring us more into line with other parts of their workforce who are first responders to make sure we are dealing with the particular challenges that those workplaces face. It has been a very successful exercise.

**Mr Aloisi:** I would just add that I think the incentives and earned privileges program, which is a positive behavioral reinforcement model, has had very significant impacts with respect to the overall safety of AMC in providing motivation for detainees to behave according to those norms one would be expected. That program and, for example, the five-minute interventions complement each other very well in improving the relational security.

**Ms Davidson:** When something has happened out at the AMC that might have presented a safety risk for people, the conversations that we have had about how we make sure that the staff who witnessed the incident or were there during that incident are supported, really demonstrates that they are looking at how you support someone who has experienced something very specific, and you can address what their specific needs are in relation to not just their physical safety but also their psychosocial safety as well as how we can create a safer environment on an everyday basis. So we are looking at it from both ends.

**MISS NUTTALL:** Thank you very much.

**DR PATERSON:** What work has been done by Corrective Services to prepare for electronic monitoring?

**Ms Davidson:** Electronic monitoring is something that we are looking at at the moment. I am aware of the Chief Minister's commitment to that. It is something that we had already started looking at—for example, how it fits into the range of things we have that can improve community safety and enable more people to be safe in the community rather than having to be in a corrections facility. Electronic monitoring on its own we know is not going to solve the whole problem. You actually need some wraparound support services that go with it to ensure that what you are trying to do is achieve behaviour change, not just keep track of where someone is while they are already engaged in a behaviour. Electronic monitoring on its own will not do all of the work, but there is some work that is happening at the moment, and I think Ray can talk to the detail of where it is up to.

**Mr Johnson:** I can talk to that, and we have also got Julie Beddoe, who is here as a witness, who can give specific detail if needed. We are funded to undertake a feasibility study. A feasibility study has been in the market and is well underway now with an external provider. We report to a set of three, and that is helping us understand what the options, alternatives, the challenges and the resourcing needs are.

As the minister has indicated, one of the things that has become clear is that electronic monitoring is just the technology bit; the other bits that are really important and need to go with it are what supports and services go with someone who might be

electronically monitored, under what circumstances are they being monitored, and how you might make those policy settings. We are deep in that work at this point in time with a view to, hopefully, going to market to test out who is available to provide the technology, because there are not many who can provide it, and understand the costs in the near term and provide the governance and advice around that in the very near term.

**DR PATERSON:** Will there be a pilot or a particular population of detainees that will be targeted for the rollout of the implementation?

**Mr Johnson:** I think that is something still to come—something that we will talk to government about.

**Ms Davidson:** Those would be decisions for government to make after the report has been provided, and it is going to take some time before we get to that point.

**DR PATERSON:** When is the report being provided?

**Mr Johnson:** We will be writing to cabinet. Cabinet will consider that before the end of the term. That is our plan from a directorate perspective.

**Ms Davidson:** What this means is that decisions about what kind of pilot is run and how that happens are not likely to happen in the time of this current budget year.

**Mr Johnson:** The plan would be, though, to be ready to respond to whatever government chooses to do and be ready to go at that point.

**DR PATERSON:** Thank you.

**MS CASTLEY:** The ACT Detainee Health and Wellbeing Strategy 2023-28 calls for the development of the first action plan. That was by December; has that come out? I have not seen anything from December 2023.

**Ms Davidson:** Katie can talk about where we are up to in working on that first action plan.

**Ms McKenzie:** The first action plan was delivered in December last year. From a Canberra Health Services perspective, we are currently working on the ability to deliver medications later in the evening. This is a wicked problem; it is longstanding. We have a proposal that was sent around yesterday to address that.

**MS CASTLEY:** On the strategy, page 17 notes that “75 per cent of women”—this is back in 2018—“did not have cervical cancer screening”. How many are currently receiving screening; do you have that detail?

**Ms Davidson:** Certainly, there have been some improvements in people’s ability to access non-urgent, routine health care. Katie can probably talk in more detail to that particular screening.

**Ms McKenzie:** I would have to take the actual detail of that on notice. Broadly speaking, access to our general practitioner is very good. Urgent appointments are

within 72 hours and non-urgent are within four weeks. We meet those KPIs with a 100 per cent rating. I will get the detail about cervical screening on notice.

**MS CASTLEY:** That would be great; thank you. Page 17 also talks about 59 per cent of detainees being reported as smoking tobacco compared to 14 per cent of the Australian population. Are there more up-to-date figures on smoking rates?

**Ms Davidson:** The AMC is now a smoke-free environment. I am not sure who would like to talk about how that has gone so far. It is a relatively recent change, but it has been established quite successfully. Bruno can talk about it a bit more.

**Mr Aloisi:** We went live from 7 August 2023. There was a transition period after that, noting that we acknowledge that it is a challenging adjustment for people to quit smoking. In terms of our enforcement of the policy, it is fair to say that we adopted very much a supportive health-based approach in terms of supporting people through that transition.

Obviously, we are doing a number of things to support detainees in that space, nicotine replacement therapy being one of those. Detainees also have access to the Quit website and resources. We did a significant amount of training both with detainees and with staff around Quit skills, so that we could support those people through that process. We have employed additional activity officers at AMC. This is to increase the levels of activity to counterbalance that. Obviously, a lot of people rely on smoking for that sense of engagement or activity. We understand the importance of substituting the smoking behaviour with something positive and healthier in that environment.

**DR PATERSON:** What has been done on the systemic ongoing issue of over-representation of Indigenous people in detention in the ACT? I am seeking an update on what we are doing to address that.

**Ms Davidson:** Certainly, we can speak to some of the programs that corrections work on to reduce recidivism. Things like culturally safe and appropriate community corrections programs are really important in that regard. The bail program is a big part of that. There is also a whole lot of work that needs to be continued through the Attorney-General's area around people who are coming into contact with the justice system in the first place. In terms of the bail support program, that is something that Bruno can talk to.

**Mr Aloisi:** As most people are aware, we have run alternative reporting sites since 2021. Our offenders in the community can report to a culturally appropriate site in the community for the purposes of their community order supervision. We had an evaluation late last year around one of those sites, the site at Yeddung Mura. Overwhelmingly, the evidence suggested that it had really positive impacts for detainees, in terms of their connection, particularly their connection with services and supports around all of those socio-economic determinants that impact on offending behaviour. Their connection with culturally appropriate supports was highlighted. The sense of cultural safety in reporting to an environment that was not a more bureaucratic government building came through in the evaluation as well.

More recently, at the beginning of this year, we expanded that service to provide for



those people who had bail reporting requirements with community corrections. Subsequent to that we have now included, from 7 July, those people who are subject to police bail reporting. Aboriginal and Torres Strait Islander people who would normally need to attend a police station for their bail reporting requirements now have an option to report to one of our alternative reporting sites in the community.

**DR PATERSON:** I asked last year in annual reports about the data—how the average daily detainee numbers have decreased in the ACT significantly from 2018 to 2023. The non-Indigenous male numbers have decreased significantly, but the Aboriginal and Torres Strait Islander male numbers have stayed exactly the same over those years. My question at the time was whether more people are being given community corrections orders; is that what is seeing this decrease in detainee population? I was not able to get a clear understanding of that. Are there some thoughts around Aboriginal and Torres Strait Islander sentencing and whether less community corrections orders are given to Aboriginal and Torres Strait Islander people?

**Ms Davidson:** When you are talking about sentencing decisions, you are probably better off talking to the Attorney-General. That is probably a better place to understand what goes into those sentencing decisions.

**DR PATERSON:** But you would have the data for community corrections—who is on community corrections orders—and be able to see the changes over time?

**Ms Davidson:** Yes. We can give you quantitative numbers of how many people are on community corrections orders versus sentenced in AMC, but that does not necessarily tell you what is going into that decision-making. We do know that programs like the alternative reporting sites and the Justice Housing Program to enable people to be out in the community rather than on remand or continuing a longer period of incarceration also help with those kinds of things. That is why we need to continue those programs.

**DR PATERSON:** Are you able to provide on notice the breakdown, over the same period of time, 2018 to 2022, for community corrections orders by Indigenous and non-Indigenous? I assume that the outcomes, what is happening here in the corrections system, would then inform policy development.

**Ms Davidson:** Yes, we can provide those numbers on notice.

**THE CHAIR:** On behalf of the committee, I thank you for your attendance today. If you have taken any questions on notice, please provide your answers to the committee secretary within three business days of receiving the uncorrected proof *Hansard*. The committee will now suspend the proceedings for lunch.

**Hearing suspended from 11.58 am to 1.02 pm.**

Appearances:

Davidson, Ms Emma, Minister for Community Services, Seniors and Veterans, Minister for Corrections and Justice Health, Minister for Mental Health and Minister for Population Health

ACT Health Directorate

Peffer, Mr Dave, Director-General

Lopa, Ms Liz, Deputy Director-General, Corporate, Communications and Delivery, Kipling, Ms Wendy, Acting Executive Branch Manager, Mental Health and Suicide Prevention Division

Ganeshalingam, Mr Muku, Chief Finance Officer, Corporate and Governance Division

Canberra Health Services

Zagari, Ms Janet, Acting Chief Executive Officer

McKenzie, Ms Katie, Acting Deputy Chief Executive Officer

**THE CHAIR:** Welcome back to the public hearings for the committee's inquiry into Appropriation Bill 2024-2025 and Appropriation (Office of the Legislative Assembly) Bill 2024-2025. The proceedings today are being recorded and transcribed by Hansard and will be published. The proceedings are also being broadcast and webstreamed live. When taking a question on notice, it would be useful if witnesses said, "I will take that question on notice." This will help the committee and witnesses to confirm questions taken on notice from the transcript.

We now welcome back Ms Emma Davidson MLA, in her capacity as Minister for Mental Health, and officials. We have many witnesses this session. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Would you please confirm that you understand the implications of the privilege statement, the pink sheet on your desk, and that you agree to comply with it?

**Ms Zagari:** I have read and acknowledge the privilege statement.

**Ms McKenzie:** I have read and acknowledge the privilege statement.

**Ms Davidson:** Yes; read and acknowledged.

**Mr Peffer:** I have read and I acknowledge the privilege statement.

**THE CHAIR:** We will proceed directly to questions, and I will go back to questions on mental health. I would like to ask about plans to establish a second Safe Haven, which, as I understand it, is for suicide prevention. It is described on MindMap as:

... a safe, welcoming and non-clinical space for people experiencing suicidal thoughts as another option to the local hospital emergency department.

Last year, the government promised in the 2023-24 budget statement to deliver a second

Safe Haven by March 2025. Has there been any consideration by the Office for Mental Health, the ACT Health Directorate or Canberra Health Services, including modelling, analysis or briefings, of increasing the number of Safe Havens beyond those already budgeted across Canberra? Can you also talk about possible or potential locations for additional centres?

**Ms Davidson:** Yes. Before I pass to ACT Health, who can talk about the potential for future Safe Havens, at the moment we have the Safe Haven in Belconnen, which was a pilot, and we also have work underway for a second Safe Haven on the Canberra Hospital campus in Garran on the southside. Those two Safe Havens were initially established as pilots through a co-design process that included people with lived experience, who very clearly told us that they wanted to see two Safe Havens to start with—one in the community and one on the hospital campus. We have learnt a lot from the one in the community, and that has helped to inform our understanding of what to do in future Safe Havens. I will pass to Wendy, who can talk some more about the Safe Havens and what might be possible.

**Ms Kipling:** Thank you, Minister. I have read and acknowledge the privilege statement. Building on what the minister has said, the Safe Havens are really designed to reduce the need for people to present to the emergency department or access acute tertiary services. The one in Belconnen has been successfully implemented since November 2021, and we are currently planning the expansion of that service into the Canberra Hospital site in Garran.

One of the fundamental things about the Safe Haven and that model is that it is peer led and co-designed and very much has lived experience throughout that. With that intent, we have established an extensive reference group, which is co-chaired by somebody with lived experience, and we are working with our partners in the Mental Health Consumer Network, Carers ACT and the Mental Health Community Coalition to do that work.

Funding of \$2.316 million was announced for the second Safe Haven. That is planned to be fully operational by about mid-2025, next year, and there is currently planned an extensive co-design process to fully implement that model. That will be an NGO-delivered service. So it is a very unique model based within a clinical setting.

**THE CHAIR:** Can I just clarify something. Originally, I think it was said that it would be delivered by March 2025 and you have said mid-2025. Are we talking about the same thing? What is the difference between “March” and “mid”?

**Ms Davidson:** There is an extensive amount of construction work going on on the Canberra Hospital campus at the moment. I could not tell you the exact date that we are expected to be complete, but that work is continuing to happen. While that is continuing to happen, we are also continuing to think about what might be needed in future community Safe Havens.

The experience that we have had in Belconnen has told us that people who access the Safe Haven find that they get a better sense of social connection, reduce social isolation and gain a better ability to manage their ongoing long-term mental health and wellbeing. We have heard from a lot of people, who previously might have turned up at the

emergency department or might have found that they need to increase the number of psychologist appointments they have in between their regular appointments for people with long-term conditions, that this is actually helping them to stay healthy for longer.

There is a whole lot of information in the reviews of the Belconnen Safe Haven that will give you numbers and things like that, but one of the best examples of why this works so well would be the example of a young person I first met in 2020 when they were experiencing homelessness and were really struggling with their mental health and not really finding the right connections to the right services. After Safe Haven opened—

**THE CHAIR:** We understand what they are for. My question was about the dates. Is it March or is it midyear, which to me sounds more like June?

**Ms Kipling:** We are expecting it to be August, and that is because of, as the minister said, quite significant accounting and infrastructure changes on the campus.

**THE CHAIR:** August.

**Ms Davidson:** That is why the Belconnen one was the first to open, because it is a lot quicker to open a community Safe Haven than to build something on a hospital campus that is already undergoing quite a lot of other construction at the same time.

**Ms Kipling:** The model of care is also slightly different in that this is not based in the community. We expect that there will be a high level of acuity of people using that service, and our colleagues in CHS are working closely with us to make sure that that interface between the ED and clinical services works well with the peer workforce.

**THE CHAIR:** What was the rationale behind announcing one more Safe Haven, if the Belconnen one has been a success? What is the end result? Will there be 20 throughout Canberra? Why is there one; and where is the end point?

**Ms Davidson:** The original co-design process that came up with the Safe Haven pilot suggested that we start with one on the hospital campus and one in the community. Over the period of time that the one in Belconnen has been open, and we have been able to see what works well there, it has become clearer that getting access to these kinds of services in the community is really helpful for reducing people's need to access a higher acuity level of either community-delivered or hospital-delivered mental health care. It makes a lot of sense that, over time, we would want to expand the number of Safe Havens that are available throughout the community, rather than just having one community one in Belconnen.

**MISS NUTTALL:** You were going to speak to the experiences of that young person experiencing homelessness. I am actually curious to hear the end of that case study.

**Ms Davidson:** Yes. This young person, when I first met them in 2020, was experiencing homelessness, and was really struggling with a long-term mental health condition. I saw them again not long after the Safe Haven had started running in Belconnen. I have seen this young person a few times since.

The Safe Haven in Belconnen opened in November 2021, just as people were coming

out of COVID health regulations which created a lot more social isolation than people might have been used to. We knew that there would be people struggling with their mental health and wellbeing. This person told me that they were able to visit the Safe Haven regularly, whenever they felt that they needed a little bit of extra help and, because they had been able to get their mental health on track and help to keep it on track, they were now in secure housing, they were in employment in the community sector and generally just feeling a lot more connected.

In fact, when they were going into the Safe Haven, they were able to contribute back to improving the model of care at Safe Haven and improving the resources that they had there by saying, “Hey, when I come in, if I’m finding it really hard to articulate how I’m feeling, I can show you a flashcard like this.” There is a picture on one side that shows “this is how I am feeling” and on the other side it has some reminders of “here are the things that help when you are feeling like this”. Other people can now use those things as well. This is a great example of how people with lived experience and peer workers can work together on improving community mental health.

**MR COCKS:** I will start by going right back to the very first question, because I did not hear an answer to it. The question was about modelling analysis or briefings, particularly around the number of Safe Havens. Ms Kipling, has there been any modelling analysis, briefings or consideration of increasing the number of Safe Havens both in informing the expansion to two and in considering expansion beyond two?

**Ms Davidson:** The original decision when the—

**MR COCKS:** Sorry, Minister; the question was to the official.

**Ms Davidson:** Right. Would you like an answer to the question that goes to the broader issue of analysis around—

**MR COCKS:** No, I would like an answer to the question from the official, as I asked it.

**Ms Davidson:** All right, then.

**MS ORR:** You cannot direct how they answer. Chair, I would seek your guidance on this. I think the minister has the right to say what she would like to say; then the officials can jump in.

**THE CHAIR:** That is my understanding.

**Ms Davidson:** The original decision to open a Safe Haven was a commitment to both the community Safe Haven in Belconnen and a second Safe Haven on the Canberra Hospital campus in Garran. We are continuing to deliver on that, and progress that piece of work for the second one to open as well.

There have been a number of conversations since then about what we have learned from the first pilot in the Belconnen community Safe Haven and how we might apply that to where there might be additional community need for more community Safe Havens,

particularly thinking about people who might have to travel quite a long way to get to Belconnen. If they want to access a community Safe Haven that delivers a model of care that has a different focus to what you might find in one that is on a hospital campus, there might be locations in Canberra that would mean people would benefit from having those closer to home—in other parts of Canberra like Tuggeranong, the south side and that sort of thing.

**THE CHAIR:** What does “conversations” mean? Is that briefing papers, an analysis or modelling; or is it just a bit of a chat over a cup of tea?

**Ms Davidson:** No, there have been briefs.

**THE CHAIR:** I think that was the original question.

**MR COCKS:** Yes, and Ms Kipling may like to expand on what the scope of that analysis and briefing has been.

**Ms Davidson:** Yes, the scope and analysis of that briefing has been focused on which demographics in the community might benefit from a Safe Haven in a different location to the one in Belconnen, and perhaps with a different focus. We have talked about whether there might be benefit in having a Safe Haven that particularly looks at youth mental health needs within a Safe Haven model of care.

We have also talked about the need for Safe Havens that are easier for people to access if they cannot get all the way to Belconnen, particularly when you are thinking about people who might be reliant on public transport. We are talking about a service that runs from three until 10 pm Tuesday to Saturday, so it is pretty much an after-hours service, and that can make it harder for people to get access.

**MR COCKS:** Minister, you have recently made an election promise around increasing the number of Safe Havens from the one facility currently operational to four, hot on the heels of a budget that did not include any such commitment. Has ACT public service modelling, analysis and briefing been used to develop your election policy?

**Ms Davidson:** The things that we have learned from the Belconnen Safe Haven pilot, which are all publicly available, in terms of how much it has been used, what kinds of benefits people have had from it and what other services they might have used if they had not been able to access that, are all on the public record. That is all information that has been very helpful for me, in thinking about what we might like to do in future. In terms of what the next government might like to do, I certainly believe that it would be very helpful for our community to have more places where people can access that model of care closer to home.

**MR COCKS:** I appreciate that you are trying to talk around the question. I will repeat it: have you used ACT public service resources, modelling and analysis to develop your election policy, considering that our public servants ought to be treated as apolitical?

**Ms Davidson:** All of the information that we have been using for this is information that I know Ms Castley has also had access to, because she has been FOI-ing the briefings.

**MR COCKS:** There has been no additional modelling?

**Mr Peffer:** Throughout the course of usual business, we will provide briefings to our ministers, which is the role of the directorate. At no point has the directorate framed an election commitment for a party that has been announced.

**MS ORR:** Going back a few steps, has there been an evaluation of the existing Safe Haven site? If that has been done, is it publicly available or could it be made available?

**Ms Davidson:** Wendy will be able to talk more about what reviews we have already done on the Belconnen Safe Haven.

**Ms Kipling:** The ANU are in the middle of an evaluation of not just the Belconnen Safe Haven but Safe Havens across the country. The Safe Haven approach and the safe spaces approach is an incredibly new model. There is still a lot of work and investigation to be done in terms of what the initial outcomes are for people, as well as longer term outcomes for people.

Instinctively, you would say that reducing trauma, in terms of people not having to attend ED and having their needs met in a safe place, is good. We know that the Belconnen Safe Haven does that, and we have data to suggest that there is at least a 27 per cent reduction in distress of people that are using that Belconnen service. Over 78 people attended the Belconnen service from July to December last year.

We have also been looking broadly at different models around working with psychological distress. We have looked at the work that has been happening in the UK, particularly in Scotland, and we have looked at lots of different options, from a perspective of distress and trauma to that individual, and reducing the quite significant cost, both human cost and economic cost, of people attending and using tertiary public mental health services.

**Ms Davidson:** Things like the Safe Haven provide alternatives, not just for people who might access more acute health services, but also people who might access other kinds of social support services like disability support services. They are very helpful for carers as well, who know that this is a place to which they can take their person when they might need a little bit of extra support—more than what they can access at home. That can have flow-on effects for a lot of our other human services in the ACT.

**MS ORR:** From my calculation, having read the budget papers, there have been some underspends this financial year and last financial year in mental health allocations. My calculations show that for 2023-24 it was 48 per cent and, in 2024-25, it was 44 per cent. These are rollovers between the years. Can I get a better understanding of what is being rolled over and why, and where those projects are up to?

**Ms Davidson:** Within ACT Health or Canberra Health Services?

**MS ORR:** This is ACT Health Directorate's rollover expense fund.

**Ms Davidson:** Before I pass to Mr Peffer, who can talk about what those rollovers are,

sometimes we find that a project continues for a little bit longer than we had originally intended, and that can sometimes mean that the funding has to get rolled over into the next financial year, because that is when the invoices will become due, as the work is completed. I will pass to Mr Peffer, who can talk about that.

**Mr Peffer:** I might introduce our CFO, Mr Ganeshalingam.

**Mr Ganeshalingam:** I have read and acknowledge the privilege statement. Can you please repeat the question?

**MS ORR:** My question was looking at the rollovers. Like I said, by my calculations, in 2023-24 it was 48 per cent and in 2024-25 it was 44 per cent. Those are the rollover amounts. I wanted to get an understanding of what those rollover amounts were taking in and where those projects or programs are up to.

**Mr Ganeshalingam:** All of the rollovers are around capital projects. When the projects are initiated, or initially developed part of the business case, we estimate how much we are going to spend in each financial year. But, obviously, sometimes our estimates are pretty ambitious, because some of the external legislative requirement or licensing we need to take. Once those impediments hit us, we look at it to see what realistically we can spend each year, and then to profile it—roll it over. Last year, yes, we rolled over a fair bit, and we are actively trying to manage that program so that we can get that money through that rollover. In order to do that, we need milestones to be completed.

**MS ORR:** I understand how rollovers work, in the sense that it is the money you have profiled but have not been able to commit, and I take the minister's point that sometimes that is just because invoices come in at different days. But what I was actually hoping to get was a bit more of an understanding of what that figure represents—what the projects were that have been rolled over. I can read the figure in the budget paper.

**Ms Davidson:** Would it be more helpful if we provided you on notice with a list of the projects that have been rolled over and the dollar amounts for them? Would that be helpful?

**MS ORR:** Yes. Is it just the projects? Is it just capital expenditure or is it actually looking at funding for services? We don't then just leave a building empty doing nothing; there is usually a service that is delivered for it.

**Ms Davidson:** Yes; that is right. So a breakdown that shows so much from capital and this much from—

**MS ORR:** Yes. If you do not have the detail in front of you as to what that covers, that is fine. But I would hope that you had a little bit of an idea of some of the things. If there is anything, off the top of your head, I am happy to have that discussion now. But if you need to take further detail on notice—

**Ms Davidson:** It might actually be more useful for you if we took it on notice, because there are a lot of projects.

**MS ORR:** Mr Peffer looks like he is going to add something.



**Mr Pepper:** I was going to suggest, if it could be useful, that we try to pull together some very quick advice. I might have to take it on notice for the moment, but endeavour to get this to you by the end of the session, on some of the larger projects.

**THE CHAIR:** Well, we will move on briefly and give Miss Nuttall an opportunity to ask a question and then we will come back to it.

**MISS NUTTALL:** Thank you. In this budget, there is \$7.661 million over four years to continue the second PACER team at its current level of operations. Could you please tell us about the impact of PACER and where it needs to go next, in your view?

**Ms Davidson:** This has been a really important piece of work for Canberra in better understanding how to deescalate a mental health crisis situation when it has got to the stage where someone is calling triple 0 because they are concerned about either the person's own safety or community safety. We knew from the implementation of the first team that it was working well and that there would be a benefit to having a second team. Getting some initial funding for that second PACER team was helpful, but being able to continue that second team on, now that we can see the difference that it makes, is really important.

We know that there are still things that we can do to improve the PACER service. It does not just go to how many teams there are; it is also about follow-up and connection to other support services and respite for the carers and for people experiencing mental distress. But, certainly, having two PACER teams is proving useful. Recognising that, this budget is committed to continuing that second team.

**MR COCKS:** It looks like there is ongoing funding for PACER for that second team. Is that right?

**Ms Davidson:** Yes; that is continuing the second PACER team and continuing that over the next four years.

**MR COCKS:** So, in the \$7.6 million, there is an offset of \$4.2 million for that. Essentially, that entire amount is simply continuing for four years the service that is there now?

**Ms Davidson:** What often happens when you run a pilot is that you need to actually have some time to—

**MR COCKS:** No; I am just looking to confirm that that is correct—that it is the same thing that is there now; it is not expanding or changing?

**Ms Davidson:** It is a continuation of that second team. We know that there are things that we would like to do in future that will make that even more effective. One of the things that carers have told us is clearly needed and that people who have experienced multiple PACER call-outs have told us is needed is to have a safe place to go that is not a hospital in-patient admission if they do not clinically need that but is a safe place to go that will—

**MR COCKS:** Sorry, Minister; I was just interested in that rather than your election commitment there.

**Ms Davidson:** Well, thank you.

**THE CHAIR:** Well, you have got your answer. We will move on.

**MR COCKS:** Minister, this goes to a similar question. I am trying to follow the detail of the major announcement you made in mental health. Specifically in your media release of 16 June, you claim more than \$15 million and then list six items that comprise that figure. Now that is continued funding for a second PACER, co-design of a new Aboriginal and Torres Strait Islander youth mental health service, continued funding for community child and youth mental health programs, staged implementation of 10 accommodation support packages and additional funding for the Detention Exit Community Outreach program. Can you just run through those lines and tell me, for each of those, what the relevant new initiative is in the budget outlook, the total funding allocated and the total offset?

**Ms Davidson:** Let's start with the initiative around housing for vulnerable people. This is an initiative that is providing \$2.767 million over four years. It is specifically for people with high intensity mental health support needs that are not being met by the NDIS. Some of this is coming out of the evidence-based HASI model—the Housing Accommodation Support Initiative—and will allow us to provide for people's housing needs with better mental health support going with it, so that they are better able to maintain their tenancy. That need for wraparound support for people with co-existing housing and mental health issues is something that has been recognised in the National Mental Health and Suicide Prevention Agreement. We know that social determinants really have a big impact on people's mental health. So that is where that one has come from.

**MR COCKS:** With the actual budget measure, is that “better care for our community—housing for vulnerable people”?

**Ms Davidson:** Yes, that is the one.

**MR COCKS:** Were there any offsets to that figure or any previous—

**Ms Davidson:** This is a new initiative that we are talking about here, so it is \$2.767 million for that particular new initiative.

**Mr Peffer:** Mr Cocks, are you seeking to get the source of funding?

**MR COCKS:** I am trying to line things up, from the minister's announcement that claimed \$15 million, with exactly what those line items correspond to in the budget. There are six items there and they do not necessarily all have a clear alignment. One of those seems to be that housing and support initiative. That would be the 10 accommodation support packages; is that right? Is that the \$2.767 million?

**Ms Davidson:** Yes. That funding—

**MR COCKS:** \$2.7 million?

**Ms Davidson:** Yes, with that \$2.767 million, there is \$1.992 million over four years for the staged implementation of the 10 wraparound support packages by a community sector organisation that will support people with mental health conditions. There is some funding there for staff to lead some inter-agency work on the development of a long-term whole-of-government solution, which is something that is important to properly resource when you are starting a new initiative. There is also \$478,000 over two years to support the transition out of the current discharge accommodation program into some new, contemporary, evidence-based housing accommodation support initiative models.

**MR COCKS:** So the detention exit is wrapped up in that same line item?

**Ms Davidson:** No, it is not. That one is actually separate. Would you like me to talk about that one next?

**MR COCKS:** I am very happy for you or one of the officials to run through the figures so that we are not taking away too much time from others who would like to ask questions. I am trying to understand what makes up that \$15 million amount. You do not need to go into what each of those is in depth. I can read the budget papers.

**Ms Davidson:** Okay. The Detention Exit Community Outreach program that you were talking about is \$341,000. That is separate to the housing program that we just talked about. Were there other particular programs that you wanted to talk about?

**MR COCKS:** You had six line items in your media release. We have already talked about PACER. I can find that one. If I understand rightly, that is \$7.6 million, but with offsets of \$4.2 million.

**Ms Davidson:** Talking about the offsets, it might help if Mr Peffer talks about why those offset lines appear in the budget papers. Would that help you?

**MR COCKS:** At this stage I am just trying to line up your \$15 million with what is in the budget. I understand that you have to make savings from things to be able to pay for things. At the moment can I confirm \$7.6 million for PACER with offsets of \$4.2 million? That is what it seems to say in the budget.

**Ms Davidson:** It might be helpful to talk about how the health funding envelope works and how it is recorded in the budget papers. That might explain that \$4.2 million for you.

**MR COCKS:** I can read the information about the health funding offset.

**Mr Peffer:** Mr Cocks, if the arithmetic you are working through here is to take the expenditure of funding line and deduct the offsets to try and arrive at the \$15 million, that will not work. The major funding source for new health initiatives is the health central provision. It is a provision in the budget. Where you might see those offsets, that is provision for an unspent and uncommitted amount that sits within the budget that is then allocated. If you are deducting the central provision, you will never arrive at the

\$15 million.

**MR COCKS:** You are right. When I do the maths on all of these lines, you do not get anywhere close to \$15 million. You are lucky if you get to a tenth of that, when you go through all of it.

**Mr Pepper:** Mr Cocks, I do not agree with that. The health central provision is uncommitted new funding for health, so—

**MR COCKS:** That is right. I understand what the health funding envelope is. When you read through all of the information about it, particularly in a 2018 government submission on sustainability of health funding, it talks about how important that envelope is for the continued sustainability and operation, particularly of Canberra's health services. I understand that.

When you fund something, the money has to come from somewhere. If you spend it on PACER, it has to come from something else. Something else does not get funded. You have announced \$15 million. That money was already there, for the most part, in the budget. Is that false? The health funding envelope amounts were already in the budget?

**Ms Davidson:** What we are trying to talk through is that actually there is money that is in that health central provision, and we expect that there will be a need for spending on new initiatives in health. There will be new pilots that we want to run or new programs that we want to provide resourcing to. There is an understanding or an expectation that there will need to be provision for a certain amount of that from health. This is not a case of taking money away from something else to pay for PACER. This is—

**MR COCKS:** But the money is already in the budget; yes?

**Mr Pepper:** The health central provision—

**MR COCKS:** Any money that is offset was already in the budget.

**Mr Pepper:** In a sense, it is in the budget, but it is not committed or allocated to anything. Essentially, the central—

**MR COCKS:** Except for health.

**Mr Pepper:** Except for health; that is correct. The central provision essentially has two variables—they are not variables; they are fixed—that determine how that envelope grows through time. One is related to the cost of delivering health services and the other is—

**MR COCKS:** The other is demand.

**Mr Pepper:** Absolutely correct. As you look out into the years ahead, at least until this point, you have seen the central provision, which is uncommitted new funding for health, unallocated to anything, sitting there and providing the guardrails for the ministers for health to develop the initiatives that get funded in the budget.

**MR COCKS:** So it is money that is already—

**THE CHAIR:** Mr Cocks, you have one final question. We have had quite a lot of questions on this, and we need to move on.

**MR COCKS:** Maybe I can go, very specifically, to your line about continued funding for community child and youth mental health support programs. You have identified a number of specific organisations which will be receiving funding under that. However, it looks like that is funded by cuts from the 2021-22 budget, where we had an initiative which would provide funding to community organisations for mental health programs, a 2021-22 program targeting early intervention, including a moderated online social therapy program, CatholicCare's Youth and Wellbeing program and the parenting counselling service. What is being cut from there? Which organisations or services are losing money to pay for your commitment to these other organisations?

**Ms Davidson:** Absolutely nothing is being cut. With the funding that was provisioned in that previous budget year for youth mental health services, what we were doing there was setting aside some money that would enable us to deliver better youth, child and adolescent mental health services in the community. We knew that some of that would be used by the MOST program, the Moderated Online Social Therapy program, and that has in fact happened.

We have established a trial of that program, and that is going well. But we had some other programs or some other areas of delivery for youth mental health services that we knew would also need support. As it turns out, when the commonwealth government funded the WOKE and Stepping Stones programs initially, they did not actually leave those programs with a plan for how they were going to secure ongoing funding. When that funding was coming to an end and we realised that there would be a gap if we did not continue to support those programs, we made the decision as a government to ensure that young people and their families in this city who have been very reliant on those programs are able to continue their treatment.

**MR COCKS:** How is reducing an offset to that program not a cut?

**Ms Davidson:** Money was provisioned for youth and adolescent mental health services, and that is exactly what the money is being used for.

**THE CHAIR:** We will move on. We have spent quite a while on this question. I would like to ask a question about community-based mental health services. Can you provide any outcome of analysis for the ACT under the national mental health and suicide prevention program where ACT Health Directorate participated in a cross-jurisdictional analysis of unmet need for psychosocial support outcomes? It was scheduled to be completed in March this year, a couple of months ago. What were the figures in this analysis? How many people had unmet need for psychosocial support, for example?

**Ms Davidson:** Before I pass to Wendy Kipling, who can talk more about the findings of that and our current understanding of unmet need for those kinds of foundational supports, I would note that, in order to understand the level of unmet need for psychosocial foundational supports that already exists, the level of need that might exist in future based on changes to the way the NDIS works and how we are going to meet

those needs actually requires the commonwealth and all states and territories to work together.

One of the key things that we need out of any of these NDIS changes is a nationally coordinated approach so that your access to services is not dependent on your postcode. In order to do that, we need the commonwealth to be able to share that with us really openly. These are conversations that officials need to be able to have with each other, to better understand where there might be service gap needs. That is why this work is so important. I will pass to Wendy Kipling, who can talk more about how that work has been progressing.

**Ms Kipling:** Thank you, Ms Lawder, for the question. The commonwealth government and the states and territories have been working on this project for approximately 12 months. It has been an extensive piece of work. An organisation called Health Policy Analysis were commissioned via some joint funding to deliver this project. We worked with them in terms of identifying programs that we felt met the criteria that were delivering psychosocial supports. They also used the National Mental Health Service Planning Framework to compare. The planning framework says one thing; we then get the data for the people that are using those services and compare unmet need.

That work has been completed. The report shows nationally that there is an increase in unmet need around psychosocial support. That is an increase on the 150,000 that the Productivity Commission originally estimated. I cannot give you the exact figures because that report is still subject to internal clearances from a commonwealth and state and territory perspective, and it will be going to a health ministers meeting, we expect, in August. We are expecting that that report will then be published. But there is no doubt about it; there is significant unmet need.

We are also working with the commonwealth and our colleagues across CSD in particular around how that work interfaces with the NDIS review to ensure that those people that need those supports through the foundational support piece of work and people with psychosocial disability are not forgotten in that space and that we can work together to meet people's needs.

**THE CHAIR:** Are there any specific measures in the 2024-25 budget addressing the level of unmet need or are you not at that point yet? Are you waiting for the report?

**Ms Kipling:** We have the DECO measure, which is a program for the psychosocial support needs. That has another year's funding, which is a top-up of their ongoing funding. We identify the DECO program as a program that supports people with psychosocial disability. From a mental health perspective, it is still probably a bit early to do that, but we are thinking, talking and planning across a whole-of-government and commonwealth, state and territory level.

**Ms Davidson:** It would actually be very difficult for us at this point in time to be able to predict exactly what types of services funding might need to be appropriated for in the future, given that we do not yet have a nationally consistent definition of what foundational supports are. This does need to be a nationally coordinated approach. While the ACT has committed to co-funding with the commonwealth for what those foundational supports will be, what goes into the foundational support strategy will

need to be agreed by national cabinet and we will have to plan for a phased rollout of how that works.

One of the things that I am really worried about, in all of our planning work around what those foundational supports look like, is making sure that the workforce sector and the service providers that are currently in that NDIS landscape are part of those conversations with us as we are planning for the future, because we are talking about a lot of transition here. Anyone who was around during the transition from the previous system to the NDIS a decade ago will remember just how stressful that process was, so we need to be able to work with them to plan for that.

We also need to make sure that people with disability are in the conversation as we are planning for what the future might hold and what that might look like for them. That is why—

**THE CHAIR:** We might have to leave it there, to give everyone else an opportunity. I am sorry to cut you off. Ms Orr?

**MS ORR:** I have some questions about funding of programs, and the timing of when they will be rolled out. The first one is the eating disorder residential service. My understanding is that just over \$1.7 million was appropriated in the 2023-24 ACT budget to support a project team and the clinical staff to commence operations of the eating disorder residential service in 2023-24.

In the 2024-25 financial year, funding has been appropriated for the full-year cost of the operation of the residential service, but that eating disorder residential service is still not open. That is my understanding; so there is a gap there. I want to get a better understanding of when those services, which have been called for for a long time, are going to be delivered.

**Ms Davidson:** I will pass to Ms Lopa, who can talk about where the construction is up to, and the opening.

**MS ORR:** If I can be so bold: could we have quick answers, because I have a few more questions.

**Ms Lopa:** I have read and understand and acknowledge the privilege statement. Very quickly, construction is complete on the facility. We are at the certificate of occupancy stage and we are planning on handing the building over to CHS in about a week to start commissioning the building. I am not sure when the actual service will be open from a CHS point of view, but construction is complete.

**MS ORR:** That is all right. My main question there is: next year we are not going to see another rollover; we will see the appropriation of funding for services?

**Ms Davidson:** That is correct.

**MS ORR:** There will be no more delays to that one. That covers my question. I have one other, which is on perinatal mental health. I believe there has been a little bit of scoping work done on a perinatal mental health residential facility, but so far there has

been nothing further said. I do not believe the scoping study has come out publicly and I am not sure where the project is up to. Noting that it has been called for, and I think we had submissions to the estimates committee too—or at least the community budget submissions covered this—are you aware of where that project is up to?

**Ms Davidson:** Yes. I will pass to Wendy Kipling in a moment, who can answer to the detail, but, yes, there has been a scoping study done on what options we have. We were not able to receive the results of that in time for this year's budget. Wendy can talk more about the work that has gone into that, if that is what you are interested in.

**MS ORR:** Yes; briefly. I would appreciate that.

**Ms Kipling:** Just to add to what the minister said, Leading Insight did the report. It is an internal document. Where we are at currently is that there are a number of pieces of work in perinatal mental health. There is the residential option, but that is just one option and one piece of work that is in that project. We are also looking at screening and data and looking at how systems and services link so that women and birthing people can navigate the service system.

We have three particular streams of work going on at the moment. Again, we have got quite an extensive reference group that is co-chaired by somebody with lived experience of perinatal mental health. Currently, there is a model of care being developed. As I said, we are really trying to drill into the data and what the screening rates show us. It is not just that people have been screened, although that is really important; it is also about what we do with that screening, where we support people and how we support people through the system.

**MS ORR:** This is probably one for the minister. The calls for this have been going on for a number of years. We have now got a scoping study and what I have taken from that answer is that there is more time and consideration to be given to options. How fast are we going to see this service materialise or something come of it? It does not feel like it is coming any time soon.

**Ms Davidson:** I think those will need to be decisions of government. That is not going to happen before the end of this term, with the amount of time that we have left and given how recently we received that report. But we have some information now so that a future government can consider and make some decisions about what they would like to do in a future budget.

**MS ORR:** Is it possible to release that report so that people can see how the work is progressing?

**Ms Davidson:** I am actually unsure how much of that report could be released publicly, given the level of detail that it goes into about services that would require contracts to be done for construction or for commissioning of services. I am not sure how much of it could be released, but that is something that we can look at.

**MR COCKS:** You may like to take this on notice. When was that study completed? When was it provided to the minister? Are there any matters from that report which are currently under consideration or being provided to the government for decision?



**Ms Davidson:** In terms of the dates when the report was received by Health and when it was provided to my office, we may need to take that on notice to check, but it was in this calendar year. We were already well into—

**MR COCKS:** I am happy for you to take it on notice; that is fine.

**MS ORR:** We heard from the ACT Down Syndrome and Intellectual Disability Association that there is a long-running service gap in the provision of mental health services for people with intellectual disability. Given that there is a lot of work right across the mental health portfolio, I am just wondering where this piece fits in and whether there is any possibility of getting some action on that, along with the other things you have got.

**Ms Davidson:** Absolutely, I do recognise that there are some gaps there that we need to work on. Having the position paper on intellectual disability and mental health presented in the last sitting week I think gives us a really good framework to address some of those gaps and to work with people with lived experience and with really important community stakeholders, like you just mentioned, to be able to plan for what those services need to look like in the future. That is going to need to be a decision for a future government in their budget.

**Mr Peffer:** Can I just come back to the question on the timing of the report, which I can provide. The report was completed in December and provided to the minister's office in March.

**MISS NUTTALL:** A key feature of this budget in relation to mental health is investment in community-based mental health delivery, as the chair was saying before, such as WOKE, Stepping Stones, PACER, and the realignment of some step up/step down funding. Could you please talk to us about why the investment in community-based mental health services is so important?

**Ms Davidson:** Yes. It is really important, particularly at the moment, while we are talking about the planning of a whole new hospital for north Canberra and we are talking about future mental health needs, to recognise that not all mental health services are best delivered in inpatient hospital settings. Actually, the more we can deliver services in community settings, closer to home and at an earlier stage of someone's mental illness, the better their outcomes are.

What we are trying to do here is to build on the things that we have learnt over previous years about what works well and how we can refine what we are doing to do it even better. This has been one of the great benefits of having an Office for Mental Health and Wellbeing: that we are able to bring all of that thinking together and do that kind of analysis in a way that is not just thinking about hospital beds.

**THE CHAIR:** Mr Cocks, do you have one single question?

**MR COCKS:** Not that can be dealt with in a short time.

**THE CHAIR:** All right. We will call it quits there. On behalf of the committee, I thank

all witnesses for your attendance today. If you have taken any questions on notice, please provide your answers to the committee secretary within three business days of receiving the uncorrected proof *Hansard*. Thank you. We will now suspend for afternoon tea and reconvene at 2.15 pm.

**Hearing suspended from 2.00 to 2.15 pm.**

Appearances:

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

Suburban Land Agency

Davey, Mr Adam, Acting Chief Executive Officer

Gordon, Mr Tom, Executive Director, Land Supply Group

Lee, Mr Joey, Executive Director, Place Delivery

City Renewal Authority

Gillman, Mr Craig, Chief Executive Officer

Ramsay, Ms Jennifer, Acting Deputy Chief Executive Officer

Bunnett, Mr Geoff, Executive Branch Manager, Development

Wilson, Ms Lucy, Executive Branch Manager, Design and Place Strategy

**THE CHAIR:** We welcome Mr Andrew Barr MLA, in his capacity as Chief Minister, and officials. I would like to remind witnesses of the protections and obligations afforded by parliamentary privilege, and draw your attention to the privilege statement, the pink sheet that is in front of you. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered a contempt of the Assembly. Could you all confirm that you understand the implications of the privilege statement and that you agree to comply?

**Ms Wilson:** I have read and understood the terms of the privilege statement.

**Ms Ramsay:** I have read and understand the privilege statement.

**Mr Gillman:** I have read and understood the privilege statement.

**Mr Gordon:** I have read and understood the privilege statement.

**Mr Davey:** I have read and understand the privilege statement.

**Mr Lee:** I have read and acknowledge the privilege statement.

**THE CHAIR:** We will go to questions. Chief Minister, I want to ask about the negotiations between the New South Wales government and the ACT about the expansion of the ACT border, for Ginninderry. In September 2022, you said that the then New South Wales Premier, Dom Perrottet, had provided a verbal tick of approval for the border move, but Mr Perrottet's office denied that this was the case, and said they had approved discussions to take place with the ACT government for a potential border move. Since Labor Premier Chris Minns was elected, there have not really been any public updates, apart from saying negotiations are still taking place. Can you provide the committee with an update on the negotiations with the New South Wales government, including whether you have reached or are close to reaching an agreement to move the border?

**MS ORR:** Is this for these officials?

**Mr Barr:** No, it is not. I will take the question on notice now. I can deal with it later in the hearings, when the relevant Chief Minister's directorate officials are here. This, being SLA and CRA, is a different set of matters.

**THE CHAIR:** We will move on.

**MS ORR:** Can I get an update on the capital works in Braddon and Dickson, please?

**Mr Barr:** Yes. Mr Gillman will be able to talk about that.

**Mr Gillman:** I will ask Geoff Bunnett to join us at the table. Those are targeted works aimed at improving pedestrian access across Lonsdale Street, north-south into the city, and into Haig Park, with a focus on traffic calming. They are very targeted interventions. The Mort Street works will be open to traffic in the coming month, in August. There are some renewal works and replanting etcetera to be done on the balance of the works over the next couple of months as well.

**Mr Bunnett:** I have read and understand the privilege statement. We have been working very closely with Transport Canberra and City Services, and we are awaiting operational acceptance of the Lonsdale Street works. That is open and operational, including really positive connections through to Haig Park, across Girrahween Street. Stage 5, which is the Mort and Elouera Street roundabout, is on schedule to be open to the public mid to late August.

**MS ORR:** Following on from that, with the crossings, once they are in, given that they are there to be traffic calming, for the most part, and they are already being enthusiastically used, based on my own experience, is there anything to evaluate the outcomes and how they are working? It is quite a step change, and we always have these chats about car-based versus active travel. It is a nice little evidence-based generator.

**Mr Bunnett:** As part of handing the works over to TCCS, we commence a 12-month defects and liability period, where we work with Roads ACT in particular to monitor the effectiveness of the interventions that we have placed on Lonsdale Street.

**MS ORR:** I was thinking less about defects and looking at failures of the material; it is more about looking at the actual outcomes towards traffic management, ease of access and the urban outcomes that we are looking for, as opposed to the defects.

**Mr Bunnett:** The City Renewal Authority also has an online portal called the place success dashboard, where we monitor our spaces, utilisation of spaces and their effectiveness. The place success dashboard will be used to monitor, not just for the next 12 months but over the lifetime of the street upgrades, to understand their effectiveness and the impacts they have had on the community, and operations and events like the Haig Park Village Markets in Haig Park.

**Mr Gillman:** Key in that dataset is footfall data and dwell-time data, so that we can see how many people are using the space and when they are using the space. We are just re-procuring that dataset now, so it will be available in the coming months. It is retrospective as well, so we will be able to see, before and after, how the pedestrian

usage of the site has changed, in the location. When we complete this program of work, we will do an evaluation of the entire program, because the program included the Dickson street upgrades. It included the community centre in Haig Park. It included the laneways in the Sydney and Melbourne buildings. We will do a proper evaluation leading into the budget process for the next four years of portfolio funding.

**MS CLAY:** Chief Minister, you have referred the redevelopment proposal by the horseracing industry to a committee made up of senior public servants and horseracing industry officials. There are a lot of different ways that site could be repurposed, and the draft district strategy that was first circulated by government suggested that we might have no racetrack there and other development. Why is this publicly funded committee only looking at one proposal—the proposal from the horseracing industry?

**Mr Barr:** That is not relevant to this section of hearings.

**MS CLAY:** Can you tell me which session I should—

**Mr Barr:** Economic development on Thursday.

**MS CLAY:** Excellent. This question is for SLA: Chief Minister, the SLA and City Renewal Authority sell blocks of land. In my additional comments on the planning committee inquiry recently, I recommended that land should be sold to Housing ACT at below market value. The government responded to that by referring to the Treasury ACT accounting policy paper on land transactions and section 247 of the Planning Act, which require land to be granted at not less than market value. But the section of the act sets out exceptions, including for the University of New South Wales. They can have land for below market value. We have not been able to get a copy of that Treasury ACT accounting policy paper. Can you explain to me why UNSW can have its land sold below market rates by SLA and CRA, but Housing ACT has to pay full rates?

**Mr Barr:** That question relates to the Treasury hearings, which will be next week.

**MS LEE:** Chief Minister, this question goes to the budget, in terms of the comparison of the estimated outcome for land acquisitions in last year's budget and what is contained in this year's budget. There is almost a \$40 million difference for the SLA. The footnote on page 132 explains that there is an increase of \$39.76 million, primarily due to the land acquisition in Belconnen and delayed reimbursement from the west Belconnen joint venture for acquired New South Wales land in 2024-25. Are you able to take that question in this session?

**Mr Barr:** It would not strictly be related to my responsibilities in the SLA, but we can take it on notice on behalf of Minister Berry for when she would appear.

**MS LEE:** Minister Berry?

**Mr Barr:** Yes. Just to clarify for the committee, my role with the Suburban Land Agency relates to a small number of identified urban renewal precincts, the Canberra Brickworks, and the Kingston arts precinct for which I have joint responsibility with Minister Cheyne.

**MS LEE:** Can I confirm that you have taken that on notice, on behalf of Minister Berry?

**Mr Barr:** I will take that on notice on behalf of Minister Berry, yes. Minister Berry will answer the question, but we will take it on notice now.

**THE CHAIR:** Can you give us a feel for the brickworks site? When will any building begin? I have heard from some people I think in the retirement village-aged-care care thing about how long it is taking them to get approvals for things in that area. What is going on with the brickworks site?

**Mr Barr:** Mr Davey may wish to assist here.

**Mr Davey:** It is my understanding that the estate development plan is currently being considered as part of the planning approval processes. As I hope you are aware, there are many factors that can play into how long those decisions take due to considering things like environmental, heritage and other aspects. So it is a bit difficult to pin down an exact date for when that will be approved. Clearly, work on development would not be able to commence until those approvals are in place.

**MS ORR:** But that is currently being invested in?

**Mr Barr:** Yes, noting that the project is a DOMA private development.

**MS ORR:** Yes, it is not a government project.

**Mr Barr:** It is not an SLA-led development project.

**MS ORR:** With the construction that is happening in Garema Place, what is the CRA doing to support the businesses in the area while that is ongoing?

**Mr Gillman:** To date, there has been extensive consultation with the businesses, including workshops, one-on-one drop-ins et cetera. The works will be undertaken in parallel with the Garema Hotel development, so that disruption will not be sequential. The new hotel and then Garema Place gets disrupted—so taking advantage of that.

There are a couple of things that we can talk to. We are working on what we call a business continuity plan, which is really about how you support the businesses in Garema Place throughout the construction period. I will ask Lucy or Jennifer to talk about some of the content in that that we are looking at.

The other thing is the construction programming. The construction method and programming is a key evaluation criteria in the construction tender. We are currently evaluating those tenders. We hope to have a contractor appointed in September; however, we know that the lead-up through September into Christmas is a critical time for all of the businesses on Garema Place. So, while there might be some preparatory work, there will be no works in earnest before Christmas. Works will start in earnest in the new year.

Just as part of that feedback, not all businesses are the same. For example, Good Games do not describe Christmas as their busy period, which I find strange, because it is all

about games. What they have is a convention on the Australia Day weekend that is critical for them. So there are some differences in needs et cetera, but we are really planning that construction method to minimise that impact, as well as what we call the business continuity plan, which we are about to talk to businesses about.

**Ms Ramsay:** We also do an activation plan. So we are bringing people into the area to make sure people realise that it is open for business. We have been doing the free fire performances as part of Winter in the City in Garema Place and then there will be Floriade activations and Christmas activations that businesses can leverage during that time, and we are making sure they are aware of it. We are also working, as Craig mentioned, on a business continuity plan. It is actually a new document—and Lucy may be able to talk to it even further—that includes what activities are coming up; how you can change and adopt what your products and services are; what you need to be mindful of; how you can show you are open for business; support from government and how we can assist; and contact numbers of who to speak to. We are making sure that they will have that available. We are trialling it so that we can use it in other construction projects going forward.

**Ms Wilson:** The only thing to add to that is it also provides businesses with direct links to government grants that are on offer to help them during that construction period. Things such as economic development have a business support function which gives businesses four hours of free time from a private company to talk to them about marketing or maybe someone looking at their accounting, for example.

**MS ORR:** Just because you mentioned Winter in the City, I will just ask a supplementary question. Could we get an update on how that is going and any effects you are seeing in the outcomes?

**Ms Ramsay:** Winter in the City is something that is evolving and getting more traction each year. Last year we saw about 24,000 people brought into the city as a result, with the economic impact of about \$1.8 million. This year, it just finished on Sunday. We expanded the offerings this year. We still did the ice rink, which was this year in Glebe Park, but we also put on free fire performances every evening—three times an evening in Garema Place. Each night, each performance brought between 100 and 300 people. So we estimate that around 12,000 people attended that.

We heard really great feedback from the businesses around it. This year we also evolved the whole campaign to bring in city businesses more so. We had a campaign called “Fire and Ice”, where we went out to businesses and asked them to contribute any offerings or products that were specific to winter. We had over 50 businesses participate, with nearly 70 different offerings. We know that that website had about five million hits and impressions and more than 2,000 offers were redeemed. There is more to be done in evaluating that to understand the economic impact, but results are good at the moment.

**MS ORR:** How have you found moving the ice rink from the more central locations to Glebe Park?

**Ms Ramsay:** It is really interesting. It was a trial. We have done some surveying. Initial information is that it was lovely to have the ice rink in the park. We always try and

balance it with helping businesses but also bringing people into the city. That is why we also incorporated the free fire performances in the sort of dining and shopping areas. Feedback from participants was that it was really lovely in the park because it really featured Glebe Park.

**MR CAIN:** I have a question about land release. Can you please provide an update on the EOI process that is currently underway for the land release of block 1, section 121? It is the field across from Lakeside QT. Can you confirm that the cloverleaf road will be completely built over?

**Mr Gillman:** That process is ongoing. So I am limited in what I can say due to appropriate probity controls and confidentiality obligations. I can confirm that the cloverleaf is decommissioned and will be part of the development. So that is correct. It was a two-stage process: an expression of interest initially and then a full tender process. The expression of interest process was concluded in September of last year. Unsuccessful participants were advised at that stage and successful participants were invited to participate in the stage 2 tender process. That has been under evaluation. I hope to have more to say on that in the coming weeks. But Geoff might talk to some of the release requirements and obligations that we have put forward.

**Mr Bunnett:** Thank you, Craig. As part of the tender process, we have really focused on a design-based tender, working with our market to ensure that the City Renewal Authority's design principles were adhered to and provided as part of that tender—so not only a financial return but also an economic and design focus was provided as a response to the tender we have received.

**MR CAIN:** What about the indicative price that the CRA is looking to achieve through the sale of this land release?

**Mr Gillman:** I am not going to comment on the indicative price. We have a reserve price that is established and is part of our evaluation process.

**MR CAIN:** Are you able to say what that reserve price is?

**Mr Gillman:** No.

**MR CAIN:** Because?

**Mr Gillman:** Because it is part of a confidential on-foot land release process.

**Mr Barr:** It will obviously be released in time.

**Mr Gillman:** Correct.

**Mr Barr:** Once the procurement process is complete.

**MR CAIN:** What proportion of this intended mixed-use development land release will be dedicated to affordable housing?

**Mr Gillman:** A minimum of 15 per cent of dwellings or 70—whichever is higher.



**MR CAIN:** Traffic impact studies have been completed for this land release. What will be the impact on London Circuit and Vernon Circle?

**Mr Gillman:** Yes, traffic impact studies have definitely been undertaken. They were some time ago. It is also in conjunction with the light rail project, which is also going to change how traffic works on London Circuit. There was an extensive study as part of raising London Circuit and light rail work around the reconfiguration of the cloverleafs and what that meant for Edinburgh Avenue. One of the requirements was that Edinburgh Avenue needed to be open adjacent to the Morris development to allow that change of traffic configuration.

**MR CAIN:** What consultation have you done with the owners of Lakeside QT? Do they support this land release?

**Mr Barr:** Yes, I have met with them and, yes, they are supportive. They have their own renewal plans on foot as well.

**MR CAIN:** Thank you.

**THE CHAIR:** Thank you very much for your appearance today.

**Short suspension**

Appearances:

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

Chief Minister, Treasury and Economic Development Directorate

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

Wright, Mr Robert, EGM Corporate

Croke, Ms Leesa DDG, Policy and Cabinet Division

Barbaro, Ms Fiona, EGM, Policy and Cabinet Division

Robinson, Mr Peter, EBM, Wellbeing, Policy and Cabinet Division

Gott, Mr Robert, EBM, Wellbeing, Policy and Cabinet Division

Clapham, Dr David, EBM, Regional, Infrastructure, Planning and Transport Branch,  
Policy and Cabinet Division

Carmody, Ms Lisa Deputy Director-General, Office of Industrial Relations, and  
Workforce Capability

Young, Mr Michael, Executive Group Manager, Work Safety Group, Office of  
Industrial Relations and Workforce Strategy

**THE CHAIR:** Welcome. Could you please confirm that you have read and will comply with the privilege statement, which is the pink sheet in front of you?

**Ms Carmody:** I acknowledge the privilege statement.

**Ms Leigh:** I acknowledge and will abide by the privilege statement.

**Ms Croke:** I have read and understand the privilege statement.

**THE CHAIR:** Thank you. Chief Minister, I have seen media reporting that the federal infrastructure minister, Catherine King, has directed her department to review major infrastructure projects to ensure that there are no issues following the recent explosive allegations about the construction division of the CFMEU. Have you instructed Major Projects to undertake a similar review to ensure there are no issues that the ACT government need to address?

**Mr Barr:** We are undertaking a process of evaluation in relation to projects that would potentially be covered by that federal review. There would be some that would be jointly funded between the ACT and commonwealth. So we will work with the commonwealth department on that matter.

**THE CHAIR:** Sure. We did hear some shocking allegations aired on TV, on *60 Minutes*, for example, in relation to serious misconduct within the ranks of the CFMEU. Why have you refused to cut ties with the ACT branch of the CFMEU in light of these really serious allegations?

**Mr Barr:** Cut ties with the ACT government?

**THE CHAIR:** With the ACT branch of the CFMEU?

**Mr Barr:** Why have I refused to cut ACT government ties with the CFMEU?

**THE CHAIR:** Yes.

**Mr Barr:** The ACT government does not have ties with the CFMEU.

**THE CHAIR:** ACT Labor?

**Mr Barr:** I am not appearing on behalf of ACT Labor in these hearings. I am here representing the ACT government as Chief Minister.

**THE CHAIR:** Last week in your statement you said:

The allegations aired over recent days, which resulted in the Federal Government's application to appoint an independent administrator, have not included the ACT Division of the CFMEU.

Chief Minister, if you do not consider that the allegations include the ACT division of the CFMEU, why have you ceased accepting donations from the branch?

**Mr Barr:** Out of an abundance of caution.

**THE CHAIR:** Have you taken any other actions to reassure yourself or satisfy yourself that the type of serious criminal behaviour that has been alleged in other branches of the CFMEU is not occurring in the ACT branch?

**Mr Barr:** There are no allegations in that regard. The ACT government will assist the Fair Work Commission and the Fair Work Ombudsman in any work that they undertake in relation to their national work. The ACT operates under the federal industrial relation system. Registration and oversight of registered organisations, such as trade unions, in this jurisdiction is undertaken at a federal level by the Fair Work Commission and the Fair Work Ombudsman. So there is no role for the ACT government in the regulation of registered organisations under the Fair Work Act.

**MS LEE:** Chief Minister, you mentioned in answer to Ms Lawder's first question that you are working with your federal counterparts in relation to the investigation. Can you please confirm what conversations, if any, you have had and with whom? For example, have you discussed it with the federal workplace minister, Tony Burke?

**Mr Barr:** I have discussed the matter around the federal infrastructure minister's review with the federal infrastructure minister. I was standing next to her when she made that commitment here in Canberra only the other day. We have engaged with the commonwealth in relation to their work and indicated that we will assist in any way that is necessary. But, obviously, we have no regulatory oversight of registered organisations; we operate under the federal industrial relations system.

**MS LEE:** Correct me if I am wrong, but do you also say in answer to Ms Lawder's first question that there were projects that the federal government was involved in in the ACT that you are assisting Ms King with?

**Mr Barr:** There are federally funded projects in the ACT that are entirely federal government projects. There are federally funded projects in the ACT that are jointly funded between the ACT government and the federal government. Those would be the projects that we would assist the federal government with.

**MS LEE:** Can I confirm then, by that answer, that you have not taken any action to have a look into projects that are ACT government funded that have had CFMEU involvement?

**Mr Barr:** There would not be many of those, given the nature of our capital works program. But there have been no allegations made beyond that that is currently before the Integrity Commission.

**MS LEE:** So, no; there has been nothing that you have initiated to look into ACT government projects?

**Mr Barr:** We have an oversight process that includes, amongst other things, the Auditor-General, the Integrity Commission and the ACT Procurement Board.

**MS LEE:** I am talking specifically since the allegations have been aired.

**Mr Barr:** There are no allegations that relate to any matter at this point beyond that that I have referenced. Should any further allegations be made, then they would be investigated.

**MS LEE:** You have mentioned a number of times now that there are no allegations made, but a simple Google search will tell you that there have been a number of concerns, serious concerns, raised about ACT CFMEU. Going back to even 2015—I think it was—you actually stood down your police minister because of a serious breach from her office to the CFMEU about a current police investigation that was happening at the time. So these allegations have been raised with you and you do know about them.

**Mr Barr:** That matter does not relate to an ACT government infrastructure project and it is more than a decade ago as well.

**MS LEE:** That might not be the case, but I am saying that there are allegations—there have been allegations.

**Mr Barr:** No; they are not current allegations, Ms Lee. They were investigated and addressed, and that allegation is nearly 10 years old.

**MS LEE:** What I am saying is that there have been allegations and there are allegations. Can I confirm that, for ACT government projects in which CFMEU involvement is happening, you have not initiated looking further into them?

**Mr Barr:** So, to clarify what is meant by “CFMEU involvement”, the CFMEU are not contracted to deliver any ACT government projects.

**MS LEE:** No; I said “their involvement”, not “contracted”. Are they not involved in ACT government procurements by way of the Secure Local Jobs Code?

**Mr Barr:** There is a process in relation to the Secure Local Jobs Code where the CFMEU, amongst others, are involved by way of membership of an oversight entity in relation to the implementation of the Secure Local Jobs Code. But the CFMEU do not deliver projects for the ACT government. So there are no specific allegations.

**MS LEE:** That was not my question.

**MS ORR:** Because the questions are going backwards and forwards and I am going to lose my train of thought, can I get clarity as to what actions you have taken and the justification for those under what has been brought to light?

**Mr Barr:** As relate to the ACT government?

**MS ORR:** Yes, as relate to the ACT government.

**Mr Barr:** There are very few actions that relate to the ACT government because there are no specific allegations in relation to any ACT government project other than that that is currently before the Integrity Commission.

**MS ORR:** As for the joint projects with the federal government—the federal government projects happening in the ACT—those are being reviewed by the federal government; yes?

**Mr Barr:** Yes. The federal minister has indicated that most commonwealth government projects in the ACT are commonwealth only. There are a number of them—national cultural institutions, the National Capital Authority and other projects—that are wholly managed by commonwealth. In relation to joint projects, of which there are some, we will assist the federal investigation.

**MS ORR:** I think that clarifies it for me. As I think you indicated, Chief Minister, this is based on the evidence at the moment and the allegations that have been brought to hand. You feel it is appropriate that, should new information come to hand, you would pick the right—

**Mr Barr:** Yes. There are multiple layers of oversight in this jurisdiction, including the Procurement Board, the ACT Auditor-General and the ACT Integrity Commission. For any project that involves the commonwealth, they have outlined a process; yes.

**MS ORR:** All right. Thank you. That clarifies it for me.

**MS LEE:** Chief Minister, last week the ACT CFMEU made a public statement saying that they do not expect the ACT branch to be part of this investigation. Have you had any discussions with the ACT CFMEU giving them assurances of any kind?

**Mr Barr:** No.

**MS LEE:** In terms of the engagement that the ACT CFMEU may have had with your federal counterparts, have you been briefed on anything?

**Mr Barr:** No. This is a matter that sits wholly in the regulatory responsibility of the Australian government. Under the Fair Work Act, we have no role in the regulation of registered organisations, under which trade unions are clearly covered. The administration process that the federal government has announced will go through the various processes under the federal legislation. As to whether the ACT branch is included in that, that is a matter for the Fair Work Commissioner and any investigation that the Fair Work Ombudsman undertakes. It is not a matter for the ACT government. It is not a matter within the legislative responsibilities of this Assembly; nor is it a matter related to this 2024-25 Appropriation Bill, or the Appropriation (Office of the Legislative Assembly) Bill.

**MS LEE:** Mr Barr, you stated last week:

The allegations aired over recent days, which resulted in the Federal Government's application to appoint an independent administrator, have not included the ACT Division of the CFMEU.

That is a direct quote from you. Have you been notified that the ACT is not included in any appointment of the independent administrator?

**Mr Barr:** The federal minister made clear that the scope of the remit for the administration decision could extend beyond what was originally announced. There is a process, should anything emerge in relation to the ACT branch. That is what the federal minister has said: that the ACT branch was not specifically named in the first instance of the minister's public statement.

**MS LEE:** Okay. Just confirming that: it is not like you have been told that the ACT is not included?

**Mr Barr:** No. There is not a statement and there has been no specific allegation against the ACT branch. The ACT branch is not included in the original determination. Any administration arrangements that the Fair Work Commission puts in place are within their power to extend beyond the branches that they have already identified, but no such decision has been taken at this time.

**MR CAIN:** Chief Minister, in relation to your cabinet, how many of your ministers are members of the CFMEU?

**Mr Barr:** I do not believe any are, but I will take that on notice.

**MR CAIN:** How many current sitting members are members?

**Mr Barr:** That would be on the—

**MS ORR:** I believe the declarations of interest can probably give you the answer, Mr Cain.

**THE CHAIR:** We will move on to a new question.

**MS ORR:** I have a question on the wellbeing indicators and how they are being bedded down. I know in the Pegasus report there was quite a bit of analysis on the wellbeing indicators, and a lot of briefing to the committee about how these are world-leading, really, in how we are applying them. We have had them for a couple of years now. I want to get a good sense as to how they are informing the budgetary process, as well as any room for improvement that you might have already identified.

**Mr Barr:** Mr Gott and Mr Robinson will assist, but I will make the observation that this is now the fifth budget where wellbeing indicators and a wellbeing assessment have been applied to new policy proposals. Indeed, looking at some of the existing areas of public investment, the system is working well to deliver multi-agency, multi-minister proposals that support an improvement in wellbeing. Pegasus touched upon this in some of their commentary.

There are a number of new initiatives, both in this budget and in previous ones, that cut across a number of wellbeing domains. I think it is an important outcome that we seek to reduce some of the silos that the Westminster system portfolio allocations and directorate structures or department structures can sometimes reinforce. That is entirely consistent with the one-government approach that we have been continually building upon, really since the Hawke review reforms of ACT governance structures and public sector structures, dating back to the last decade. I invite Mr Gott and Mr Robinson to talk a little more on this.

**Mr Robinson:** Thank you, Chief Minister. I acknowledge the privilege statement. As the Chief Minister mentioned, this is the fifth year that wellbeing has been part of the ACT budget process, with the framework having been launched in March 2020. A real focus for the government has been on establishing and embedding the wellbeing framework in the business of government, including decision-making, giving it a practical effect and not just a reporting role. It has a dual purpose.

As the Chief Minister has mentioned on previous occasions, embedding the framework is not about quick fixes. It is about change and a different way of working to effect long-term shifts in outcomes. With each budget we have built the role that wellbeing has played in an iterative way. We developed the wellbeing impact assessments. They were incorporated into the budget process in the 2021-22 budget and became mandatory for cabinet submissions from 1 January 2022, following a pilot in the latter parts of 2021.

The wellbeing impact assessments and the guidance and information sessions we provide in relation to them have been updated regularly since that time. We now seek to capture through them the impacts of proposals; the evidence around those impacts, including for particular groups in the community; the extent of engagement and consultation within the service and community regarding proposals; and an understanding of how success will be measured in relation to proposals and their evaluation readiness.

While the wellbeing impact assessments are mandatory for business cases and cabinet submissions, their real purpose is in the development of policy and programs at the early stage, from the ground up, so that wellbeing thinking is done early and reflected in proposals that come to either cabinet or the Expenditure Review Committee. Since

the 2021-22 budget we have had an assessment process for wellbeing impact assessments submitted in the budget. Cross-agency groups assess those for quality and that advice is provided, along with the Treasury advice, to ERC ministers.

Our internal assessment is that the quality of the WIAs is improving over time, as is the quality of the assessment process itself. This year the WIA template was integrated as a formal part of the business case template, continuing the integration of wellbeing into the broader budget process. Over the last two years the wellbeing impact assessments and wellbeing advice have been accompanied by gender analysis prepared by the Community Services Directorate. For the past three budgets Treasury and the wellbeing team have been part of pre-budget roundtable discussions with key stakeholders covering both budget and wellbeing aspects of the budget process and hearing from groups about their needs. The process in 2024-25 included just over 70 community groups and stakeholders.

This year the budget incorporated six priority areas from a wellbeing perspective and the government released a wellbeing budget statement for the first time, replacing the social inclusion statement. We are currently considering our planning, accountability and reporting frameworks to begin the process of aligning them more closely with wellbeing. The outcomes of those will also feed into the budget process. An important component of the wellbeing work that we have been doing and continue to do relates to our evidence base. From a wellbeing perspective, evidence around wellbeing outcomes and what matters to effect wellbeing outcomes is important. I will ask Mr Gott to elaborate on what we have been doing in that space.

**Mr Gott:** Thank you very much. We have two of us in the wellbeing team. I have read the privilege statement and understand what it means. In his introductory remarks the Chief Minister made a reference to silo busting and to the Westminster system and the constraints that are created. As I am sure we all remember, our Westminster system in its current form was established in 1854, so it is 170 years old now. The way we are going about this, and building the evidence base that Peter spoke of, is through a series of partnership arrangements with a number of organisations. They are all designed around maximising the value of the data that the ACT government holds.

The first one of those that I will mention is a strategic partnership with the ANU. The ANU are co-investing with the ACT; they are making a contribution in the form of academics that they have engaged specifically to work with us. Their contribution is approximately half a million dollars a year. The reason we have a number of academics working with us is, as Peter mentioned, to help look at the conceptual framework around the things that link wellbeing outcomes. If you make a change in the education space, does that flow through to health in any way? If you change something in the health space, does that have an impact somewhere else? It is about understanding those things.

The next thing that I will mention is that in January of this year the ACT was selected by the commonwealth as the pilot jurisdiction for the Life Course Data Initiative. That is a \$16 million initiative that is linking ACT government administrative data, in the first instance from the Health Directorate and the Education Directorate, with commonwealth administrative data. It is the first time this has happened anywhere in Australia on this scale. The idea is to put together a linked data asset that can be used



for research purposes, obviously taking into account the ethics and privacy issues that are involved, but essentially to use this data.

The first focus is on the wellbeing of children and young people between the ages of zero and 14. The focus will be on what factors are contributing to entrenched disadvantage for people in that group, which obviously includes their families as well; what are the pathways that lead into those circumstances and what are the pathways that lead out; and the way in which different programs that are at the commonwealth and the ACT level have an impact on that. That project will run as a pilot until the end of 2027.

The other project that I will mention is that we have been working with the CSIRO data arm, Data61. That is because when one puts together very, very large administrative datasets—and we are talking millions and millions of data points—the important thing is to be able to extract the value from that data. We are working with Data61, who will be developing analytical techniques to apply to large linked data assets.

In essence, there is a three-way relationship between the data scientists who are developing the techniques, the academics who are looking at the conceptual theories, and the policy people who are looking at the policy outcomes that we are trying to achieve. It is about going back to breaking through silos and overcoming the constraints of a 170-year-old system. It is about using data and working across portfolios, in a sense, to bring data together to deliver outcomes that will benefit everyone.

**MS ORR:** That is really comprehensive. Thank you. I want to go back to the focus on the decision-making because it sounds like it is happening on a few paths and there are a few different aspects going on here. It seems like decision-making and using the framework to guide decisions within the budgeting program is probably the most progressive aspect of the project. I am particularly keen to get a little bit more information on the gender analysis that you have built into that process. When we talk about the women's budget and applying a gender lens, is that what you are working towards with that aspect of it?

**Mr Robinson:** In terms of gender responsive budgeting, we have been continually striving to build and improve our approach and working better to support all parts of government to consider how our budget proposals will meet the different needs of women and girls. We largely have a focus on gender responsive budgeting through the wellbeing impact assessment process. It asks how proposals will impact the wellbeing of different groups in the community, including women and girls. I mentioned earlier on that, accompanying the wellbeing impact assessments that go to ERC, separate gender analysis is done by the Community Services Directorate as part of the WIA review process. All of that is included in the briefing that Treasury provides to ERC.

**MS ORR:** We have had various calls over the years from different groups saying that we should have gender-focused budgeting. What I hear you saying in response to that is that it has always been built into the work we are doing with wellbeing, so there is no need to establish it. Is that a fair assessment?

**Mr Robinson:** That is correct; yes.

**MS ORR:** I think you mentioned the accountability and outcome reporting and looking at how that can be further refined. “Progressed” might be a better word because it is all bit of a—

**Mr Robinson:** We have commenced the project. The PAGA had a commitment to look at the embedding of wellbeing in both decision-making processes and performance and accountability processes. The work on our performance and accountability system is continuing. We are looking to consider how wellbeing and wellbeing outcomes can become part of our planning system and our performance and accountability system. We have done a considerable amount of work to think about that and about how we may embed wellbeing outcomes and the domains within the consideration of the performance and accountability arrangements. We have commenced discussions at very senior levels within the public service around that work.

We are also looking to think about, as well as the mechanisms that would achieve that, what is the infrastructure, what is the ecosystem that we would need to be functioning within the public service to make a wellbeing approach work within the performance and accountability arrangements. One of the things we are looking at there is the obvious leadership from the centre. We have learnt from others that that is very important. The Chief Minister is the patron of wellbeing and has been since the very start of the process. We have found in our discussions with other jurisdictions that that is incredibly important. The authorising environment is very important for a wellbeing approach. It is the Chief Minister and the CMTEED Strategic Board, and through Ms Lee.

As the Chief Minister and Robert said, ensuring that we break down the silos is incredibly important. As part of the ecosystem, we are looking to formalise cross-government partnerships across directorates, particularly in those bigger, more important areas where there are more wicked problems. As Robert said, the outcomes in any particular area are not just the function of one directorate. For example, they are: what are the implications of health in early years or school outcomes for later achievement in life and education?

**THE CHAIR:** We might leave it there. We have spent as long on this question as we did on the previous round of questions. We will move on to Miss Nuttall.

**MISS NUTTALL:** I would like to ask about LGBTIQ+ affairs. Chief Minister, could you please clarify why the individual funding amount for the LGBTIQ+ leadership stream of the Capital of Equality Grants is significantly lower for the ACT-based opportunities compared to those in other jurisdictions? Specifically, ACT opportunities are capped at \$650, while New South Wales based opportunities receive \$1,000 and those in other jurisdictions receive \$1,500. What are the reasons behind this discrepancy and are there any plans to address it to ensure equitable support for ACT participants?

**Mr Barr:** Normally, these questions would be one of balancing, across our grants program, the range of different priorities that may have been identified. We take advice from the ministerial advisory council on these matters. It would also reflect the balance of applications within the Capital of Equality Grants Program.

**Ms Barbaro:** I have read and acknowledge the privilege statement. There is probably

not a great deal more to add to that. I think you are talking about the third category of the grants stream. Generally, they are awarded based on what is requested, so the funding amounts that people have requested over the last few rounds have been quite low—to attend conferences, leadership courses and the like. Some of the conferences that people are attending these days are a little cheaper than previously because they are online. It just depends on who is applying and how much they are applying for.

**Mr Barr:** To answer the second part of the question, yes, we can have a look at the amounts. If they are not sufficient to meet the objectives of the program, we can make adjustments to that. But if that is largely what has been requested, that is largely what has been requested, and we would fund accordingly.

**MISS NUTTALL:** It says on the website that the value of the grant is specifically based on the location of the opportunity, which is where that question came from. Is it necessarily because opportunities for travel here in the ACT would make it cheaper? Are there more conferences and leadership opportunities actually happening here, which would stop people needing to—

**Mr Barr:** That is certainly a plausible factor. In a larger jurisdiction, for example, like New South Wales, where the event might be in Sydney but someone may be travelling from another part of the state, there would be additional costs. There could be those sorts of geographic factors as well. I have an open mind on the issue. If the intent of the grant is to support that capacity building, and if the amount of money was insufficient because travel cost or some other factor was excluding people, we could certainly adjust future grants programs. But if the event is being held here and people are not needing to travel, and there is not a hotel accommodation requirement or anything like that, because people can come from their own home, and the travel costs are not high, the grant level would be meeting the need. We review this every year.

**MISS NUTTALL:** Thank you; that really helps. The Capital of Equality Grants encourage applications that engage young people aged 12 to 25, yet the minimum age for the application, I believe, is set at 18. Would you be able to explain the rationale behind that age restriction?

**Mr Barr:** I believe that would relate to some legal requirements around the entity receiving the grant, in that you might need to be an adult. I think adults can auspice on behalf of minors, but I will double-check that that is correct.

**Ms Barbaro:** We need to take that on notice.

**THE CHAIR:** You will take that on notice?

**Mr Barr:** Yes.

**MR BRADDOCK:** My question is to the Head of Service. Ms Leigh, I am interested in matters that lie before the Integrity Commission, where there is potential for a finding, whether it be of corrupt conduct or other, against an ACT public servant. Is there a policy, a practice or a threshold that the ACTPS utilises as to whether an employee should be stood down whilst those matters are pending?

**Ms Leigh:** While matters are before the Integrity Commission, they are within the purview and knowledge of the Integrity Commissioner, and while there is certain information available publicly through hearings that have been made public, the full extent of information is not available. We have an Integrity Commission process for a reason. The Integrity Commissioner is given extensive powers that can be utilised to get to the bottom of issues and, as a consequence, it is appropriate to let that process run and for the Integrity Commissioner to come to find things. I note that there are no findings in relation to any of the matters that I believe you would be referring to at this stage. It is simply premature to step in and take action when a process that has been specifically set up for this purpose is still underway and no findings have been made.

**MR BRADDOCK:** I am not referring to any one individual particular matter. I am asking more about the policy, and particularly in terms of where there might be information in the possession of the ACT public service where they could take management action, whether it be disciplinary, performance management or termination of employment. Is it the policy of the ACTPS to defer any action until the Integrity Commission has done its part or is it still able to undertake its action as it needs to as an employer?

**Ms Leigh:** You might like to take this up further with the Integrity Commissioner when he appears. Generally speaking, if the Integrity Commissioner has a matter in hand, he asks anyone else who might be looking at that matter to hold while he continues with his investigation. I am aware of specific cases where that has happened.

Again, I think it goes to this issue of there being a regime set up. It is a strong regime with lots of strong powers that no-one else has. To be trying to run a parallel process at the same time raises a lot of questions. As I say, it has not been the way, in my experience, that the Integrity Commissioner has wanted things to proceed.

**MR BRADDOCK:** That would be entirely appropriate where the Integrity Commissioner has said to hold, but there have been other incidents where he has not; hence that is why I am asking what the policy of the ACTPS is in those situations.

**Ms Leigh:** Mr Braddock, I am not actually aware of such a case. Of course, it is difficult for me because I do not necessarily have knowledge myself, certainly not of everything that the Integrity Commissioner is doing, and not necessarily of things that other bodies might be undertaking. As far as I know, your question is hypothetical, to the best of my knowledge.

**MR BRADDOCK:** How do you manage the risk and protect the public interest in these situations where there is a process, and I will grant you that, in terms of the Integrity Commissioner, he has that. How are you, as the Head of Service, managing that risk and the potential public interest during the process?

**Ms Leigh:** The matters that are before the Integrity Commission are usually quite specific matters. Of course, if, outside that scope, there were other issues of concern to me that were not covered, I would act on those.

**MS LEE:** Ms Leigh, Mr Braddock is probably being a bit polite, so I will cut to the chase. In the case of the CIT CEO, Ms Cover, having been stood down on full pay for

two years whilst we were waiting for the Integrity Commission investigation, with the ACT public service policy for a very senior executive who has been stood down on full pay, do you have a time limit? Is it the policy that they just continue to be on full pay pending the outcome of the investigation?

**Ms Leigh:** Ms Cover is not a public servant. Ms Cover is a statutory office holder employed by the CIT board. I have no authority in relation to her employment.

**MS LEE:** Let me rephrase the question, Ms Leigh. In relation to ACT public servants that you have oversight over, what is the policy if they are before an Integrity Commission investigation? Is it two years? Is it three years? Is it six months? What is it?

**Ms Leigh:** Again, I think that is hypothetical. There is no—

**MS LEE:** No, I am not asking hypothetically. I am asking: what is the policy? Do you have one? Do you not have one?

**Ms Leigh:** I think that we need to not go at large into hypothetical issues because—

**MS LEE:** I am not asking a hypothetical question. Do you have a policy? Is there a policy?

**Ms Leigh:** The complexities of each case would need to be considered. Of course, they would be looked at and we would take advice on what is appropriate; and, in fact, legally what is possible.

**MS LEE:** I am asking generally: do you have a policy at the ACTPS level, if there is a senior executive that is being investigated for serious corruption allegations and they are stood down? Do you have a policy on that? How do you deal with it?

**Ms Leigh:** We would deal with that in accordance with the Public Sector Management Act, the policies under it, and with legal advice from GSO. It is not a situation that we have encountered.

**MS ORR:** I do not want to stop Ms Lee's questions, because obviously they are important, but Ms Leigh is getting cut off a lot before being able to provide an answer. I would like to hear the answers. I ask that she has a chance to answer.

**MS LEE:** I specifically said it is not a hypothetical, and that is what she kept saying.

**THE CHAIR:** Asking the same question.

**MS LEE:** Yes, but—

**MS ORR:** No, it is more about giving Ms Leigh a chance to provide the answer before the next question comes.

**MS LEE:** I know that you are saying it is a hypothetical. I am literally asking you: do you have a policy? You have just said in your last answer that it is in line with the Public

Sector Management Act and legal advice. What is that? Do you have advice from GSO about what you need to do?

**Ms Leigh:** We would get advice from GSO in each specific case because the facts of each case can make a significant difference as to what is the appropriate response. I can assure you, Ms Lee, that I would take it extremely seriously. I am concerned about the proper use of public resources, but when one is involved in these processes and people have not yet been found to have done anything wrong, it is quite a complex situation, which is why I would act on the advice from GSO. I would seek it immediately and we would act on that advice.

**MS LEE:** In terms of the time frame that we are talking about, are you saying that, in the event that the Integrity Commission takes—in the example that we use, with CIT—two years, as Head of Service, it is acceptable to you for a very senior executive who was stood down to be on full pay pending that outcome?

**Ms Leigh:** I would not say that it is acceptable. I would not say that I would like it. But I would say that it is a very complex question and there would be a lot of aspects that would need to be balanced, and I would get legal advice and scrutinise that and ask questions and act on it.

**MR CAIN:** Where an employee breaches their contract of employment and it is clear on the face of that that that has happened and you do not need legal advice, would you then not act on that breach just because they are before the Integrity Commission on something else?

**Ms Leigh:** Once there has been a finding of breach, of course, Mr Cain, there are procedures that happen. But one has to actually have a finding of breach and allow the person the opportunity to explain.

**MR CAIN:** But that is your job to determine, isn't it?

**Ms Leigh:** It would depend. It might be before the Public Sector Standards Commissioner. They also have powers, though not to the extent of the Integrity Commissioner. Any serious matter would go to the Public Sector Standards Commissioner. They would get to the bottom of it, but they would, of course, give the person the opportunity to respond, because there can be circumstances where it might appear on the face of it that something quite egregious has happened but, until the person has had the opportunity to explain the circumstances, we cannot be sure. I am sure nobody wants a decision based on a misunderstanding of the circumstances to be taken. So it is a difficult balance.

**MR CAIN:** Ms Leigh, if you formed the view that an employee was in clear breach of their contract of employment, would you not act just because there is an Integrity Commission inquiry on some other aspect of that employment?

**Ms Leigh:** If there were a clear breach—meaning that there was a finding of such a breach, which means that somebody has to have been investigating it and allowing the person to respond.

**MR CAIN:** That would be you, surely?

**Ms Leigh:** Not personally. I have a whole public service to carry out our responsibilities. Normally, the Public Sector Standards Commissioner would be the best person to do that inquiry because of the powers that the Public Sector Standards Commissioner has and the staff who are skilled in conducting such investigations. These are very serious matters, and one would want therefore the right person to be undertaking the investigation and the right process to be followed. And, yes, once a breach were found, if it were clearly separate from any other matter where I have been required to hold my hand, of course, action would be taken. That is what we always do.

**MS ORR:** Ms Leigh, just picking up on that, I think in the line of questioning, there is almost a bit of, “On the face of it, if it this does not look good, you should take action”, and you are saying that is not always possible. Can I just get clarification as to the role of due process and the need to have a finding, and what risk you might expose yourself to if you acted before such a circumstance had been determined based on the look of it?

**Ms Leigh:** Certainly. People can have all sorts of misconceptions. I certainly would not want people to hold back from making allegations because they were not certain about the veracity of the allegation or did not have extensive investigation themselves into the matter. I would want people to raise those with supervisors, within their directorate, with the Public Sector Standards Commissioner or, if appropriate, with the Integrity Commissioner. Depending on each of those there is a different threshold. But those systems exist to do proper investigations.

I would not want people to hold back from raising issues because they were not absolutely sure. I would not want them if they had a reasonable basis—not just a frivolous idea, but a reasonable basis—for being concerned about something to raise it. As a consequence, we must have a process that then will investigate that issue and allow the person to explain, because there can be all sorts of explanations that people have not thought of, and there is a standard—

**MS ORR:** What is the consequence if you take action before allowing those processes and, essentially, the procedural fairness to be undertaken?

**Ms Leigh:** You can understand that there would be both legal consequences and consequences for a person that, no matter what compensation we were then required to pay, may never put the person back in the place that they would have been. So it is a serious matter. As I said before, it is a serious matter to weigh up, because we are looking at public resources and we are looking at the reputation of the service. On the other hand, we also need to be sure that we have done this properly and given the person the opportunity to respond, because we are also looking at the impact on the individual, and we may be wrong.

**MS CLAY:** We understand that it is the Integrity Commissioner’s job to look at matters of corruption, and that is a great system, and we have other systems to look at underperformance and breaches of public sector code of conduct. Do I have that right?

**Ms Leigh:** I would agree, although it is not always a clear line between each of those categories.

**MS CLAY:** But, if the Integrity Commissioner is looking at corruption, is there any reason why investigations or performance management into underperformance and breaches needs to stop?

**Ms Leigh:** When the Integrity Commissioner is looking at corruption, the Integrity Commissioner is deciding if something reaches that threshold. Sometimes the matter might be referred to the Integrity Commissioner, and they will get to a point in the investigation where they might decide that it is not going to reach that threshold, and they might say to the Public Sector Standards Commissioner, “You take this back.”. Usually, these things are referred to multiple places.

What I am saying is there is not that clear line. If it is going to be serious corrupt conduct, it is going to breach the standards and it is going to breach a whole lot of things. But there is a question as to exactly what is being dealt with. That is why I say that, in my experience, because these things are often referred to multiple places, the Integrity Commissioner will ask other bodies to hold while they are investigating. As I say, at some point, they might decide, “No; it can’t be serious corrupt conduct. We will tell the Public Sector Standards Commissioner to go on with it,” But at the beginning you cannot know whether something is clearly in one category or another, quite often.

**MS CLAY:** Including holding—to stop doing performance management, for instance?

**Ms Leigh:** Again, these things are difficult to discuss at large. Performance management is not something the Public Sector Standards Commissioner would do. Again, as I say, it is very hard to talk about these things in that sort of hypothetical, at-large context. But if there were some behaviours that were impacting on the workforce then I would imagine we would go on with managing those. I say that because I do not want to say, “Of course, we would not do that,” as that would sound quite silly. But I am conscious that, when we talk about things without the detailed facts, it is hard to explain how everything would operate in practice.

**MS CLAY:** What is the threshold at which you would ask someone to stand aside because of performance management issues or because of breaches of the public sector codes and standards?

**Ms Leigh:** Where there is a serious allegation, if it were proven it might be appropriate for dismissal or a criminal matter or it is having such a serious impact on the workplace. Those are the types of situations where, having reached a certain point, the impact on the service would be negative and it would be appropriate therefore to stand the person down.

**THE CHAIR:** All right. We have spent a long time on this question—as long as some of the others. So we shall move on.

**MS CLAY:** Chief Minister, under the Ministerial Code of Conduct, are ministers accountable for the decisions and actions of their staff?

**Mr Barr:** Yes.



**MS CLAY:** If the Integrity Commissioner makes a finding against someone for actions conducted while they were on a minister's staff, would the relevant minister be accountable for that?

**Mr Barr:** It would depend a little on the circumstances of the individual case as to whether the staff member was acting on the instruction of the minister or whether the staff member was acting outside of, or directly opposite to, any instruction from the minister. So it difficult to make an absolute determination in this regard. I am aware of examples in recent times where the conduct of ministerial staff acting, as I understood, under instruction from their minister has been the subject of review by external reviewers in this place. That matter, obviously, has been well canvassed in the Assembly and the subject of particular reviews that have had a degree of public airing. So I can reference that example with a degree of confidence, that we have seen the Ministerial Code of Conduct, as it relates to the behaviour of staff, in action.

**MS CLAY:** I understand that, if a minister gave a direct instruction and a staff member breached that direct instruction, it is a very different situation. But I believe that it is up to the minister to ensure that they demonstrate that their staff are complying with the Ministerial Code of Conduct.

**Mr Barr:** Again, as a general statement, yes. But one would need to understand the circumstances. I can foresee three particular contexts, either acting under the instruction of a minister, acting against the instruction of a minister or acting where no instruction has been given. On either extreme, it quite clear where accountability would lie. In the middle stream, it is somewhat more difficult. It would depend on the circumstance.

**MS ORR:** I have a question for the Chair. I know Ms Clay is asking a lot of questions, and I believe the Chief Minister is trying very hard to answer them. But we are now at the point of having a lot of different scenarios and trying to accommodate for a lot of different outcomes. Could we perhaps not stray into hypothetical and keep it a bit more direct?

**THE CHAIR:** That is a fair point; however, if you ask specific questions, there are privacy concerns and they will not answer. I am prepared to let it keep going.

**MS CLAY:** Thank you, Chair. I will be brief. This might be the last one, depending on the answer. In this middle stream—so not where a minister has given a direct instruction that has been followed or ignored, but in this middle stream—what proactive steps would you expect your ministers to take to make sure that their staff are complying with the code of conduct?

**Mr Barr:** There is induction training for staff in relation to their responsibilities, which is updated, and staff and required to participate in various elements of professional learning and development that relate to their responsibilities under the Ministerial Code of Conduct, the Ministerial Staff Code of Conduct and indeed in other matters as relate to working in this building.

Events in this Legislative Assembly term have put a particular spotlight in relation to behaviour on some matters that perhaps are covered broadly by the Ministerial Code of Conduct and the Ministerial Staff Code of Conduct, but we have needed to do some

more specific work. That obviously has occurred, and the Assembly and the Speaker have guided and directed some specific work in that area. I would note also that these responsibilities extend beyond ministerial staff to staff of members of this place as well.

**MS CLAY:** The one example was induction. Is that about it or do you think there are ongoing—

**Mr Barr:** No; there are ongoing professional and other requirements that are in place—I can take that on notice in terms of the detail of that—that apply to ministerial staff and that apply to non-executive staff as well.

**MS CLAY:** That would be useful to take on notice; thank you.

**Mr Barr:** Yes, I will do that.

**MR CAIN:** Chief Minister, in the case where Minister Steel issued concerns to Ms Cover about the early contracts with the CIT provider and then a significantly larger contract was executed, how was that not a cause for Minister Steel to be sanctioned or to be removed from his post?

**Mr Barr:** I think that is one of the more absurd questions I have ever been asked in an estimates hearing.

**MS ORR:** Maybe I can help out. Ms Leigh has already said that Ms Cover was appointed by a board independent of ministerial. It just does not quite add up.

**THE CHAIR:** I will take that as a statement; it is not a question.

**MS ORR:** Yes; as a statement.

**Mr Barr:** The Integrity Commission has made a finding in this matter, including voluntary, and have had evidence from the minister's office in relation to communication on the matter. That is all on the public record as part of a 360-page report. I would refer Mr Cain to the findings of the Integrity Commissioner in relation to the minister and the minister's office.

**MR CAIN:** My supplementary is related to Ms Clay's question about the responsibility of ministers and their obligation to take responsibility for a significant failure in oversight. In this case, Minister Steel issued a warning about certain contracts, which was clearly ignored, and then did nothing. What should be happening to such a minister in that circumstance?

**Mr Barr:** The Integrity Commissioner made very clear in his findings that the minister provided appropriate oversight. In fact, one of the reasons for the finding against the former CEO was the issue of misleading both the minister and the board.

**MR CAIN:** But when that significant other contract was signed, why wasn't any action taken by Minister Steel?

**Mr Barr:** Mr Cain, those matters are canvassed in the Integrity Commission's report

and findings.

**MR CAIN:** So what was the answer to that question, if it is so obvious?

**THE CHAIR:** Mr Cain, thank you.

**MS LEE:** Mr Barr, last week there were some concerning reports about CFMEU ACT and CPSU ACT putting forward some motions in the upcoming ACT Labor conference about seeking more power over ACT government procurements and the appointment of ACT public servants. Do you support those motions?

**Mr Barr:** Those motions may find their way onto the floor of the ACT Labor conference this Saturday. We have an open and transparent process, Ms Lee. We might be the only political party represented in the Assembly that invites the media to its conferences and releases the conference agendas.

**MS LEE:** Mr Barr, my question was: do you support those motions?

**Mr Barr:** No, I do not, and there will be amendments moved to those motions.

**MS LEE:** Are you going to be moving those amendments? If so, what are they?

**Mr Barr:** Will I be? I do not believe I will need to personally move them, no. But I am confident that those motions, in the draft form that they were presented—indeed, like motions presented by your Young Liberals branch calling for tax cuts for people who have the Australian flag in their front yard or calling for the abolition of income tax or calling for abortion to be made illegal—represent the views—

**MR CAIN:** Point of order, Chair.

**THE CHAIR:** It is not about us. Maybe we will move on to Ms Orr's substantial question.

**MS ORR:** Mr Barr, maybe you could just help us out. I am a member of the Labor Party, as I am sure everyone here knows, so I understand how the policy within the party gets made and how that translates or does not necessarily translate into ACT government policy. But, maybe for the benefit of those who are not in the Labor Party, who might not have an inner working of that, you could explain very briefly things that go up to the conference and how that permeates through the system or does not permeate through the system.

**Mr Barr:** Indeed.

**MR BRADDOCK:** How does this relate to appearing as Chief Minister?

**MS ORR:** The question—

**MS LEE:** I am sorry, but the motions are asking for control over ACT government procurement and the appointment of ACT public servants. I think it is extremely relevant, Mr Braddock.

**Mr Barr:** To be very clear, a general resolution at an ACT Labor Party conference has a standing for the period between that conference and the next. It has no bearing on ACT government policy, or indeed ACT Labor policy as represented by the parliamentary caucus. Under the Australian Labor Party's principles of national organisation, determinations in relation to policy, to legislation and to any matter before the parliament are determined by the caucus. Our party's platform acts obviously as a statement of principles, but it is within the remit of the parliamentary caucus to determine the implementation timeframe or process for any particular policy that sits within the Australian Labor Party platform. The national principles of organisation for the party are very clear that the caucus would determine what legislation or what position the Labor Party would take on a matter before the Legislative Assembly or indeed any other parliament.

The status of those motions is akin to the Young Liberals putting forward a motion to a Liberal Party convention or conference in the ACT calling for tax cuts for people who put an Australian flag in their front garden.

**MS LEE:** Mr Barr, can I check it is correct that you are literally comparing some of those motions from the Young Liberals to potential allegations of corruption? I that what you are doing—that is what you are comparing?

**Mr Barr:** No; I am saying that motions—

**MS LEE:** Anyway, so can I—

**Mr Barr:** Ms Lee!

**MS ORR:** You asked the question; let him answer.

**MS LEE:** I didn't ask a question.

**Mr Barr:** You have endeavoured to put words into my mouth, wilfully misrepresenting what I have just said. So I remind you of standing orders in relation to the conduct of hearings. If I have to move—

**MR CAIN:** Point of order, Chair. It is not for a witness to remind this committee of standing orders.

**Mr Barr:** Yes; it is well within my remit—

**MR CAIN:** It is the obligation of this witness to answer questions.

**THE CHAIR:** Everyone, just take a chill pill for a moment.

**MR CAIN:** I have a supplementary, Chair.

**THE CHAIR:** Just wait. With your supplementaries, if you could come through the chair—now that you have got me a bit annoyed—instead of continuing to ask your supplementaries. Wait until I give you the call. Ms Lee has the call.

**MS LEE:** Thank you, Chair. Mr Barr, thank you for the explanation as to how the Labor Party determines policy, which is in stark contrast to what your colleague, Mr Pettersson, has stated. I will quote the *Hansard* directly. He said:

The Labor MLAs in this chamber are proudly bound by the ACT Labor Party; our policies are decided by our members and, yes, that does include trade unions.

Mr Barr, how many other policies have been determined by the unions?

**Mr Barr:** The ACT Labor platform, which acts as our statement of principles, provides guidance to elected members. But, in accordance with the national principles of organisation for the Australian Labor Party, decisions in relation to the implementation of the platform are determined by the parliamentary caucus according to the views and decisions of that parliamentary caucus. So your attempt to extrapolate a draft motion from a unit of the Australian Labor Party and ascribe that to be government policy is drawing a long bow—a bow of similar length to the Young Liberals' motions, as they relate to the position of Canberra Liberal members.

**MS LEE:** Madam Chair, I will invoke the exact same thing that Mr Barr has tried to say in wilfully misrepresenting me. I literally asked him whether he supported the motion. He has said no. Now he has talked about how it is going to be amended. My next question is: what is the amendment?

**THE CHAIR:** Ms Lee, you did ask the question. We will give Mr Barr the opportunity to finish his answer.

**MS LEE:** Yes. So what is the amendment?

**Mr Barr:** I am not discussing amendments at an ACT Labor Party conference, which will take place this weekend, in these estimates hearings as they bear no resemblance to government policy, the appropriation bills or, indeed, anything that we are discussing and why we are here.

**THE CHAIR:** Done; finished. Do you have any supplementary to that, Ms Lee?

**MS LEE:** Mr Cain, you can go on. That is fine.

**MR CAIN:** Minister, the CFMEU released a statement last week and it said:

Here in the ACT, our branch is not expected to be put into administration.

Has the ACT branch received any assurances from you or any member of your cabinet or your government that they will not be subject to the same action that the federal government is taking against other state branches?

**Mr Barr:** No, because we are in no position to offer any such guarantee, because, as I mentioned in answer to the initial set of questions—I will repeat it again for you, Mr Cain—there is no regulatory oversight of registered organisations, trade unions, by the ACT government or by the ACT Legislative Assembly. They operate under federal law.

A decision on administration of any registered organisation in any state or territory is taken at the federal level, not by the ACT.

**MR CAIN:** What conversations have you had with the ACT branch of the CFMEU about this issue?

**Mr Barr:** I have not had any conversations with the ACT branch around their status in relation to these federal matters.

**MR CAIN:** And no conversation about your actions or otherwise with respect to the local branch?

**Mr Barr:** No; I have not been engaging in discussion. It is not within my remit. I am not responsible for the regulatory oversight, under the Fair Work Act, of a registered organisation.

**MS LEE:** No, but you do control whether you suspend affiliation, and you failed to do so.

**Mr Barr:** No; I do not. That is a matter—

**MS LEE:** In the ACT. How is it that every state Labor leader has done the same and you have not?

**Mr Barr:** That is a matter for the National Executive of the Australian Labor Party. Again, under our national principles of organisation, the National Executive has made a determination on that matter.

**MS LEE:** So Chris Minns and Peter Malinauskas have just been talking a word salad? They do not have any power to suspend affiliation?

**Mr Barr:** They, as individuals, do not. No. Under the rules of the Australian Labor Party, those decisions are taken by the National Executive, and they have been taken by the National Executive as it relates to a combined branch—that is, Victoria, Tasmania and South Australia; that is one branch of the CFMEU—and then the New South Wales branch.

**MS ORR:** Just before I ask my supp, Chair, can I just get your clarification? I took your previous comment to be to ask you for the opportunity for a supp, which I did and I am happy to keep doing, but maybe other members could be respectful of that. Chief Minister, with regard to the affiliation of trade unions with the Labor Party, is that something you would oversight within your capacity as Chief Minister or is that an administrative decision for the party secretary?

**Mr Barr:** No; that is an administrative decision at a state and territory and National Executive level. It is not something that involves, in any way, the Chief Minister of the Australian Capital Territory. That is not the determinant of who affiliates to a political party or not.

**THE CHAIR:** You are done on this question?

**MS LEE:** Yes.

**THE CHAIR:** We will move on. Mr Cain, do you have a substantive question?

**MR CAIN:** Thank you, Chair. Well done in managing who is next through all of that. Ms Leigh, I have some questions about the Law Officers Legal Services Directions 2023. When did you first become aware that the Director-General of the Education Directorate, Ms Haire, had launched legal action in the ACT Supreme Court in relation to the Integrity Commission's investigation into the Campbell Primary School modernisation project?

**Ms Leigh:** Mr Cain, the legal services directions are a matter for the Solicitor-General, and so—

**MR CAIN:** That was not my question. It was: when did you first become aware that the legal action had been launched by Ms Haire?

**Ms Leigh:** I cannot exactly recall, Mr Cain, because it was nothing to do with me.

**MR CAIN:** You cannot recall when you became aware?

**Ms Leigh:** I can take it on notice, if you like, but, as I say, I have no responsibilities in relation to that.

**MR CAIN:** So you will take on notice when you were aware of this legal action?

**Ms Leigh:** Yes.

**MR CAIN:** Ms Leigh, when did you first become aware that Ms Haire had sought assistance under the Law Officers Legal Services Directions 2023 for her legal fees?

**Ms Leigh:** Again, I have no role in relation to that.

**MR CAIN:** Yes, but the question is: when did you first become aware?

**Ms Leigh:** I would have to take that on notice because, as I have no role in relation to it, it is not something that I specifically focus on.

**THE CHAIR:** A supplementary, Ms Orr.

**MS ORR:** Ms Leigh, would you mind clarifying the process for reply of officials—clarifying how you do not have a role in that?

**Ms Leigh:** The legal services directions sit in the JACS portfolio. The Solicitor-General administers those directions. The Solicitor-General sets the framework around when legal support is provided, and the Solicitor-General and the Government Solicitor's Office administer those arrangements, and they do so based on their professional expertise. It is not something in relation to which I have any role.

**MS LEE:** I have a supplementary. Ms Leigh, you have now repeatedly said that you have no role and you have no oversight. We understand that there is a procedure that takes place through the Solicitor-General's Office, but, as head of service, when do you get notice, or do you not get notice, of a senior executive who has applied for and has been granted legal assistance under the Law Officers Legal Services Directions?

**Ms Leigh:** There is no reason I should get notice, and there is no specific process for giving me that notice. People would need legal support in a wide range of circumstances that go to detailed operational matters within directorates. There are all sorts of circumstances in which people are called to appear before courts or other bodies. Our public service is so diverse and covers such a wide range of responsibilities. You can imagine everything from a traffic staff member somewhere being called to give evidence in a court. Across every single directorate, there are all sorts of operational matters that could result in a staff member being called before a court. It is not the type of thing that I should have any influence on, and therefore there is no—

**MS LEE:** Perhaps you can take this on notice, given that you have no visibility about any of these things:, can you please provide to the committee the number of senior executive members who have applied for and have been granted legal assistance over the last five years and how much it was for?

**Ms Leigh:** Ms Lee, I do not have that information. I do not have a way of obtaining that information. That is a matter that could be directed to the Solicitor-General, who would be able to provide such information, I expect.

**THE CHAIR:** Could I confirm this for my own understanding: generally, if public servants are involved as witnesses or if they are taking significant legal action themselves, is there any policy or guideline to say that they should let their manager know that this is occurring?

**Ms Leigh:** That would depend on the circumstances. Most of these matters are workplace matters, so of course their supervisor would be aware. As I said, if a traffic officer is called because there has been an incident and they were a witness or were involved in some way, of course they would tell their supervisor. The supervisor would want to take that into account to ensure that they were not overloaded with duplicate responsibilities when they were preparing to appear before a court. So, of course, they would tell their supervisor. But, as I said, we have a small public service with a large range of responsibilities, and they are not the types of matters that would normally be raised to the head of service. In the normal course, people might do that, but there would also be circumstances where they might be constrained from doing that, including in Integrity Commission matters.

**MS LEE:** Ms Leigh, don't the Legal Services Directions say that, in applying for a grant of legal assistance, it would obviously be requested through the Solicitor-General but also in consultation with the director-general of the relevant directorate?

**Ms Leigh:** That may well be the case. That does not mean that I would need to be consulted.

**MS LEE:** That being the case then, as the Director-General of CMTEED, could you



please take on notice the question that I asked earlier in so far as it relates to your directorate?

**Ms Leigh:** I will take on notice providing you with whatever information I can in relation to that question.

**MS LEE:** Thank you.

**Mr Barr:** For the committee's interest, I would draw the committee's attention to sections 171 and 172 of the Integrity Commission Act, division 3.6.4, in relation to legal representation and reimbursement of expenses.

**MS LEE:** Thank you.

**THE CHAIR:** Moving on, I can have a substantive question. It seems like a very long time. However, I will throw my question to Ms Lee.

**MS LEE:** Thank you, Chair. Ms Leigh, in relation to the former CEO of CIT, Ms Leanne Cover, I note that you have confirmed that she is not a public servant, so you do not have oversight over her as an employee. Nevertheless, when did you first become aware of the serious concerns surrounding the awarding of those contracts which are now the subject of the Integrity Commission inquiry?

**Ms Leigh:** It would have been the same time that the minister became aware.

**MS LEE:** Which is when?

**Ms Leigh:** I would have to take that date on notice, but it is all on the public record.

**THE CHAIR:** It would have been or it was the same time?

**Ms Leigh:** I am confident that it was.

**MS LEE:** How did that information come to you? Did it come from the minister or did it come to you at the same time as the minister? How did it come to you?

**Ms Leigh:** It arose, as I recall, through a media inquiry. It was probably staff within CMTEDD—those who have more direct responsibilities in relation to CIT—who would have drawn that to my attention. I am sorry that I cannot recall the detail, but I recall it arising.

**MS LEE:** And you have taken the date on notice. As you have clarified, Ms Cover was employed as the CEO of CIT under the Financial Management Act. Did you have any role or were you notified at all when her appointment was first made?

**Ms Leigh:** I do not recall that. It would have been a public appointment for a start, and, as a matter of courtesy, I probably was informed about it. I am aware of all the statutory officeholders across our public sector. They are key players in our public sector, so I would have been aware, but I cannot recall particular details.

**MS LEE:** Do you become aware once they have been appointed, as an FYI, or do you get notice before the appointment is done?

**Ms Leigh:** I have nothing to do with the appointment, so normally it would be once it is made formal.

**MS LEE:** Were you consulted or given notice when Ms Cover's contract was renewed in June 2021?

**Ms Leigh:** Not that I recall.

**THE CHAIR:** Before we move on, are you happy with "not that I recall" or would you like Ms Leigh to take that on notice?

**MS LEE:** Are you able to take on notice what you can find out about your knowledge of the renewal in June 2021?

**Ms Leigh:** I am happy to. I am not sure that it will illicit any further information, but I am happy to.

**THE CHAIR:** Thank you. Take that on notice.

**MR CAIN:** Given what we know about Ms Cover's conduct and the findings in the Integrity Commission's interim report, Ms Leigh, are you satisfied that the appropriate due diligence was carried out when Ms Cover's contract was renewed in 2021, months after the minister raised concerns about her involvement in earlier contracts?

**Ms Leigh:** That is simply not a question for me, Mr Cain.

**MR CAIN:** In your view, who is that question appropriately directed to?

**Ms Leigh:** As I said, Ms Cover was appointed by the board and reports to the board.

**MR CAIN:** What responsibility does the board have to inform the relevant minister of such an appointment?

**Ms Leigh:** The board reports to the minister, but the board is responsible for the operations of the CIT and the performance of the CEO.

**MR CAIN:** Thank you.

**MS CLAY:** I have supplementary, Chair. On a point of process, do you have supervisory responsibilities over directors-general? We understand you do not for the CIT, but do you have supervisory responsibilities over other directors-general?

**Ms Leigh:** Yes; I do. Those responsibilities sit alongside their accountabilities to their minister, but, in terms of the efficient management of the whole ACT public service, yes, I do have that responsibility.

**MS CLAY:** Thank you.

**THE CHAIR:** We will move on. Ms Orr, do you have a substantive question?

**MS ORR:** I do. I would like to mix up the line of questioning and the theme, if that is all right, and have a little chat about public sector employment. I believe this is in the right section. We might have to get a few different officials up here. How is the ACT public service recruitment looking, given that we are constantly hearing about how difficult it is to attract staff just about anywhere?

**Ms Leigh:** I will start, Ms Orr, and then I will refer to other officials for more detail. I can say that I am very happy with our recruitment in the ACT public service. We are seen as a very attractive place to work. We provide satisfying work where people are respected and where there is recognition that allowing them to balance their personal commitments with their work commitments can actually give better outcomes, both for them personally and for the workplace, in terms of staff who actually perform better in those circumstances.

At senior levels, I judge the attraction of the ACT public service by the number of times I am contacted by people who just want to have a chat. That has been a high number for some time, and I take that as a strong indication that people look to our public service as a place that would be an attractive place to work. Some of the initiatives that we have taken have reinforced this. We try to stay in front and constantly look at what we can do next to further strengthen our service and, as part of that, make us a more attractive place to work. I will hand over to, first of all, Ms Carmody, if that is okay.

**THE ACTING CHAIR (Ms Orr):** Before Ms Carmody starts, I will just say that the Chair had to pop out, so I am now chairing. If people have supps or comments, I am your person. Thanks. Ms Carmody.

**Ms Carmody:** Thank you. It might be useful to add to that some of the influx we have had around graduate recruitment recently.

**THE ACTING CHAIR:** I was going to ask how the graduate program is going, because I know there has been a particular focus on that for the last couple of years, so feel free to elaborate.

**Ms Carmody:** Thank you. I can see Mr Young is coming to join me as well. We are currently in the process of preparing for the next cohort of graduates. For the 2024 cohort, 45 graduates joined the ACT public service. Fifty-eight per cent of those were from the ACT and 42 per cent were from interstate. Obviously, some particular areas were in demand. This time, for the cohort that we are looking at, we are really focused on areas around ICT and data and how we can make sure that we attract people with the skills that we need now and into the future. The progressive nature of the ACT public service means that there tends to be really good interest and, pleasingly, good retention, as well as a strong recruitment campaign.

**THE ACTING CHAIR:** Ms Carmody, before we move to Mr Young, you mentioned there were 45 graduates in the upcoming intake.

**Ms Carmody:** For the 2024 cohort—yes.

**THE ACTING CHAIR:** How does that compare to previous years?

**Ms Carmody:** In the previous year, it was significantly higher. We had 108 graduates joining the ACT public service in February 2023. We had a smaller number in 2024. For 2025, it is yet to be determined, but we have certainly had a lot of interest. Now we go through the process of working out how many graduates people need, what the talent looks like and where the areas of expertise are, and we will enter the race for the best talent. I will check whether Mr Young has anything he wants to add to that.

**Mr Young:** I am the executive group manager of Work Safety Group. I acknowledge and will comply with the privilege statement. I think Ms Carmody has provided a very strong response. There is significant variability year-on-year in the number of graduates that go through the program. The 2023 number, which Ms Carmody mentioned, was the historic record high. We are continue to look at improving the graduate intake program. Some changes that are coming up in the forthcoming program are designed to bring forward the timing and streamline the recruitment process so as to compete more effectively with the commonwealth public sector graduate recruitment program, and also to improve the way that we are matching potential graduates with business units, with a view to making the program more timely and responsive to the needs of the business units that potentially take on, train and ultimately employ those graduates.

**MS ORR:** Ms Carmody, I think you mentioned that 50 something per cent of the most recent intake was from the ACT and others were from interstate. Even across the service, are you seeing people moving to Canberra to work for the ACT public service or are you also seeing local people get opportunities. What is the trend?

**Ms Carmody:** I might have to take on notice the data, but I would say anecdotally yes, we are seeing people move to the ACT. My impression of that is that some of it will be to do with the circumstances of living in the ACT but also the flexible working arrangements within the jurisdiction, the nature of the work in the jurisdiction, that type of thing.

**MS ORR:** So I was looking at the employment environment as a way to attract people to the service. I think Ms Leigh is nodding her head. Can I get a little bit of an update because there has been a lot of work done on the flexible work arrangements, flexible work spaces and all the different initiatives under that—broader options for employees, I think we can call it. Can I get an update on how the next tranche of implementing that reform is going?

**Ms Leigh:** Again, I might commence and then pass to Ms Carmody. This is something that I am very proud of for our ACT public service. We have really been out in front, and it has been recognised as a very successful initiative. In fact, in the most recent Institute of Public Administration awards, we received an award for our flexible work program. So that is an external indicator of the success that we have had in this area and the recognition that we have gained.

I think it has been very successful because it really meets the needs of both our employees and our service. If we give people the flexibility to manage their personal lives, then we are giving them some time back and that means that some of the staff

who might otherwise have worked part-time might be able to work full-time or at least work further hours. So we are not arbitrarily limiting good staff to providing a lesser contribution because of this arbitrary impost of requiring them to be in a specific place at a specific time.

I think it is also good for managers, because if people are required to sit in a particular area, then you cannot fall into the trap of managing by presenteeism; you actually have to know what the outcomes are you supposed to be providing and focus on that. So I think from every way that you look at it, it has really been a very positive initiative, even beyond the public service. Just having fewer people on our roads at peak hour means less pressure on our roads. So there is some public money that governments can make decisions about that can be allocated to other priorities. You look around 360 at this initiative and it really has so many positive benefits.

We now have hubs right across Canberra. So in addition to people choosing to work from home, if they prefer to be in an office, they do not have to cross Canberra to the one that is arbitrarily designated as their home office. They can choose this all of the time, some of the time and depending on the needs of their workplace and what their particular needs are, they can choose to be in one of these other hubs. People can come and work here in the Civic, Dickson, Belconnen, Woden, Tuggeranong, and we have a new one about to go live in Gungahlin. Again, you can just imagine the additional time that gives people, and the respect we are showing people to be able to make those decisions sensibly about getting the best outcome.

**Ms Carmody:** I think Ms Leigh has certainly covered the field in terms of many of the areas. I will add to that. Civic, Tuggeranong, Belconnen, Woden and Dickson are all current Flexi Spaces that are available for people, and they report really positive usage and enhancements to their working and personal life. Our Gungahlin location is due to open in August. I know from talking to people on the ground in the building here that there are a number of people looking forward to that. They have been working from home or working in the 220 London Circuit office, and so they are really looking forward to the change and the entry into the new location.

I think Ms Leigh covered a range of the reasons why people find the hub and spoke model and the Flexi Spaces so useful. I will add to that. I see, as people work, the way they move around the building and set up in their particular neighbourhoods, and what they find is that working with different people at different times creates a great sense of engagement when they are in the office, and then they balance that with the time that they are working in other locations as well.

**Mr Barr:** Ms Lawder, may I beg your indulgence. I took a question on notice from you at the very beginning in relation to ACT-New South Wales border movement.

**THE CHAIR:** I was going to come back to that.

**Mr Barr:** This is the correct group of officials, so I might invite Dr Clapham to provide an update. I have, of course, raised this with a number of New South Wales premiers. There have been a few during my time as Chief Minister.

I am pleased that work is progressing. Chief Minister's directorate officials met with

their counterparts recently, and Dr Clapham can provide an update on that matter.

**Dr Clapham:** Thank you, Chief Minister. I have read and acknowledge the privilege statement. As the Chief Minister said, this is an issue that has been raised with the New South Wales for a number of years. For the committee's information, it relates to the proposed future New South Wales suburb of Parkwood as a part of the Ginninderry development. We committed to working with New South Wales and the Yass Council to achieve the best outcomes for that development. There is a joint committee that has been established under the *ACT and NSW Memorandum of Understanding for Regional Collaboration*, which has the membership of the ACT government; the New South Wales government, represented by the Department of Planning and the Cross-Border Commissioner's Office in New South Wales; as well as Yass Valley Council.

Work has been progressing over a number of years to look at options to achieve the best outcomes for the ACT's side of that development, and then the future New South Wales residents of that proposed New South Wales suburb in Parkwood. Outcomes include how to achieve housing supply, which is obviously much needed in the region; what are the best servicing outcomes for that community, given it would be adjacent on the border and be right over the border, in fact, a cross-border community; and how to ensure in the arrangements for servicing for that community that you protect the enfranchisement of that community, their participation in their local government and in the policies that shape their services.

These negotiations and discussions are ongoing through the steering committee. Key issues that are being considered are, of course, the option for cross-border servicing. If it remained in New South Wales, what role, if any, could the ACT or others play in providing services? It is a complex proposition, and it has led the ACT to prefer exploring a border move as we think the most feasible option to achieve the best outcomes for that development.

Through that committee—including, as the Chief Minister said, through very recent, very senior discussions with New South Wales officials—we have identified and continued to work through a range of legal and legislative processes and frameworks that you would need to work through. There are three or four governments in play—the ACT, New South Wales and Yass Council are clearly involved in the conversation, but a potential border move that saw any surrender of New South Wales land and incorporation into the territory would necessarily involve the commonwealth as well.

In answer to your question, Ms Lawder, about where the discussions are, we are preparing the framework for a proposal for how that might proceed to enable us jointly with New South Wales to approach the commonwealth to propose a tripartite process to explore that option. That will be pending consideration by the New South Wales government, as well as future consideration by the ACT government, once those options have been fleshed out.

**THE CHAIR:** With the development of Parkwood on the New South Wales side, does that create more of a deadline? Does it impact your timelines, at all, to finalise the negotiations?

**Dr Clapham:** There are deadlines associated in that. You would be back to a question

for the SLA as the joint venture partner. From the central agency, there are land release deadlines that the joint venture has in mind and that the SLA has in mind. From the central agency, our concern is about supporting the outcomes for that community and undertaking the inter-governmental negotiations with New South Wales. We are not being driven really strictly by a development timeframe, recognising that it is complex matter and there are a lot of issues to work through. How the developer operates and their timeframes, I guess, is not a matter for the directorate.

**MR CAIN:** Have there been any conversations at all with the commonwealth about the possibility of this possible border move?

**Mr Barr:** Yes.

**MR CAIN:** What has the commonwealth been saying to you?

**Mr Barr:** Well, I have raised it with the federal territories minister, who also happens to be the local member, under the current electoral boundaries, for the area in question. So there is a happy coincidence that it is both within the current seat of Eden-Monaro, and that the member, Kristy McBain, has it within her ministerial portfolio, responsibility. So the commonwealth are aware.

There have been, over the years, a number of discussions around territorial and extra-territorial responsibilities and cross-border service delivery. That has extended to include matters like Jarvis Bay territory, Norfolk Island. Certainly, if I ever do write a memoir, the phone call from Malcolm Turnbull asking if I would I like to expand the ACT to include Norfolk Island will go down as one of the more interesting phone calls I have had from a prime minister.

So issues of cross-border service delivery, the role of the territory government in delivering services outside of our existing borders has been a feature of discussion with the commonwealth. A pretty consistent trend in all of that, Mr Cain, is the difficulties associated with cross-border service delivery. So it certainly was the in-principle view of former Premier Perrottet, and Premier Minns and me that a simplified process for service delivery would be within one jurisdiction.

Obviously, though, New South Wales are not just going to cede land without a formal process. Their parliament needs to consider these matters as well, so we have a formal process. I think that is heading in a particular clear direction around what would be the best outcome for the residents and for service delivery, and that is that the border moves. But obviously, there is still a process that lies ahead.

**MR CAIN:** So what would New South Wales be seeking if it did indeed cede this piece of land?

**Mr Barr:** Well, that is not really for me to speak for New South Wales.

**MR CAIN:** That you are aware of.

**Mr Barr:** I am aware that there are discussions around water security. That is not new. That existed prior to any discussion of a border move. There is also discussion around

water trading.

**MR CAIN:** What impact would that have on ACT residents?

**Mr Barr:** At this stage, none, but those processes and those discussions are by no means concluded.

**MR CAIN:** Is there a timeline where you think you will reach a decision point, whether you have to provide for cross-border services as opposed to the border being actually agreed to be moved?

**Mr Barr:** Well, that would be at least six years hence.

**MR BRADDOCK:** I would like to go back and talk in terms of workforce planning for the ACTPS, Ms Leigh. I was interested in how we go about planning for the types of trades and apprentices we need within the ACTPS. Particularly given question on notice 1501, where you answered that you could not even provide a list of the current trades and apprentices within the ACTPS, due to the constraints within the IT system. So I am wondering, how do we plan for the skills we need when we do not even know what we currently have?

**Ms Leigh:** Mr Braddock, this goes back to my comment earlier about how diverse our public service is. So of course directors-general and under them, responsible officers, across our public service are fully aware of what their future needs are. That then is flowed up to directors-general so that that information can be both dealt with within the directorate, in terms of the schemes that are available within the directorate, as well as across to Ms Carmody's team to look at on a whole of service basis. So while it might be that our IT systems are not able to automatically pull all this information together, in terms of the broader concept of the types of skills that we might need, that is, of course, able to be understood and acted on across our service.

**MISS NUTTALL:** Chief Minister, noting that the current Head of Service was first engaged in 2014, her second five-year contract would be due to end in 2024. According to the Public Sector Management Act, in most instances re-engagement for a second or subsequent term requires a comprehensive performance assessment by a panel, preferably six to 12 months before the expiry of the first contract. What process is being followed to either extend the contract or to appoint a new Head of Service?

**Mr Barr:** Miss Nuttall, I think you are cross referencing a different set of requirements. There is not a two-term limit on senior executive service members of the ACT public service, as distinct from a set of guidelines in relation to boards and board membership. The process for the appointment of Head of Service is outlined in the Public Sector Management Act. The appointment is made by the Chief Minister.

**MR BRADDOCK:** What process are you following in terms of any potential contract extension or appointment of a new one?

**Mr Barr:** Ms Leigh's contract has been extended.

**MR BRADDOCK:** And again, what process was followed as part of making that



decision?

**Mr Barr:** The process as required by me under the Public Sector Management Act, which is to make a decision.

**MR BRADDOCK:** Are you willing to state on the record what that process was?

**Mr Barr:** Yes. I reappointed Ms Leigh for a further five years.

**MR BRADDOCK:** Did you undertake any sort of evaluation?

**Mr Barr:** Yes. I obviously had to be satisfied that Ms Leigh was performing the task of Head of Service in accordance with the Public Sector Management Act. I concurred that was the case and that an extension of contract was warranted. I made that determination, under law, in accordance with the Public Sector Management Act.

**MR CAIN:** Chief Minister, was there any union involvement in the review of Ms Leigh's contract?

**Mr Barr:** No.

**MS CLAY:** Chief Minister, I am reading an extract from the PSM Act, and maybe I have it wrong, but it says, long term contracts with the senior executive service may be entered into following a merit-based selection process and can be for a duration of up to five years. So was that followed, that merit-based selection process?

**Mr Barr:** I will get the Public Sector Management Act up for you, but there is a specific section about the Head of Service, which is distinct from a senior executive service appointment. The Head of Service appointment is made by the Chief Minister. I will get that section for you.

**MS LEE:** Mr Barr, you mentioned the contract has been extended. Can you tell us the new contract dates?

**Mr Barr:** I will take those dates on notice, yes.

**MR BRADDOCK:** Ms Leigh, you mentioned you have supervisory responsibility of the directors-general. How do you ensure they are accountable for the state of governance arrangements within their area of remit and ensure that the strategic management of major projects, such as the HRIMS, are appropriately governed?

**Ms Leigh:** I have regular one-on-one meetings with all of the directors-general, but I also have a performance agreement with each of the directors-general, and so that is a formal arrangement for each year and partway through the year to be taking stock of matters. Of course, if there are concerns about matters, I will drill down into those matters. So if issues start to arise, I do not need to wait for a meeting. I can call an impromptu meeting any time. I can ask them to stay behind at the end of our daily catch-up with all the directors-general to just update me on some issue that has arisen. I stay on top of issues; I dip in and out according to the needs of the circumstances.

**MR BRADDOCK:** Is there, as part of the performance agreement, any requirement to ensure that the governance arrangements are appropriate and fit for purpose, or whatever the terminology is you may utilise?

**Ms Leigh:** Those particular words may not specifically be in the agreement, but I think that is definitely covered by the scope of the agreement. It is part of good management of an organisation.

**MS LEE:** Ms Leigh, which director-general was in charge or responsible for the HRIMS project that Mr Braddock just referred to?

**Ms Leigh:** That has been managed by the Chief Digital Officer, who reports to the Under Treasurer.

**MS LEE:** The budget blowout has obviously been well publicised. What is the outcome and what are the consequences in terms of this budget blowout?

**Ms Leigh:** Ms Lee, as I think we have discussed before in these committees, when you look at what was the cause of that you have to start and look at the whole picture of that arrangement. That arrangement started back—I think it was 2016. When we look at what arrangements were put in place then, they are not the arrangements we would put in place now, because we have continued to learn as we work through any learnings that arise, whether it is government deciding to amend legislation or whether it is how we establish regimes to manage projects, we constantly evolve that. Today, if we were setting up a governing body for that project, as indeed we are for a follow-on project, we would ensure that we have all of the key players engaged in the decision-making in relation to that project.

When that project was initiated, as was the practice at the time, the area that were responsible for the particular IT system were the ones who led that work. That was standard practice for an ICT project, and it still is in many places, but they were not the ones who had the policy responsibility for how that system would be used, nor indeed the operational responsibility for managing directorates using that system. That was a gap in the information that was then available for decisions to be taken, but that was standard practice back in 2016-17 when it was initiated. That is not our practice any longer. Now we ensure we have what I would call a business outcome owner also key in the decision making.

**MS LEE:** When did that practice change?

**Ms Leigh:** That practice changed following the report by Mr Leeper that I commissioned because I was concerned about learning some lessons about how to structure the governance of a project to ensure we get the best outcome.

**THE CHAIR:** When was that?

**Ms Leigh:** I would need to take the date on notice, but it has been on the record in this committee before. I would also say that we have greatly improved the scrutiny of ICT projects when they are first being put forward. When I created the role of chief digital officer at the end of 2015, it was the first, to my knowledge, chief digital officer in

Australia. At that stage, it was a role that was to come in and scrutinise how can we do better with providing services to the community using ICT? What are the opportunities to do less of some things because ICT might mean that government does not have to do it anymore? Where are the areas where government can do more because of ICT? Then as that strategic role became embedded, we then extended the role to cover our shared services ICT area as well. So then the Chief Digital Officer became responsible for that area, and also started to be given a greater role in providing advice in relation to the financial viability and the extent to which a project was sufficiently scoped to be ready to actually be funded and commenced.

So today, ICT projects that are funded and commenced have had much greater level of scrutiny than they had back when that project was commenced. As any good organisation would, we constantly learn lessons and strengthen our performance, and we will go on doing that.

**MS LEE:** So do you have regular meetings with the Chief Digital Officer in relation to this rectification project that is under way?

**Ms Leigh:** I have regular meetings with the Under Treasurer and the Chief Digital Officer reports to the Under Treasurer, who is responsible for the project.

**MS LEE:** How regular? How often?

**Ms Leigh:** I meet with the Under Treasurer usually on a weekly basis.

**THE CHAIR:** Ms Leigh, my recollection from back in the days when I worked in the public service is that to pay a bill, an invoice, someone had to certify, sign off that they had received the goods or services. So with this particular contract for the delivery of the HRIMS project, were there milestones that were paid where someone signed that they had received the goods or services? Have you gone back and looked at that to determine whether that was not correct? I guess what I am saying is, how did we pay tens of millions of dollars with very, very little in return without someone asking some questions part-way through the process?

**Ms Leigh:** We have engaged professional advice precisely in relation to that and had that review done, and in addition the Auditor-General has looked at that project, so it has had a very thorough review as to how it was run and whether there were any such issues.

**THE CHAIR:** And were there?

**Ms Leigh:** Both of those reports are public. They have been made public here before. The Auditor-General's report is of course public, and so I will not try and go through the detail of all of that, but they are all publicly available.

**THE CHAIR:** So you are unable just to say yes, someone did sign for something they had not received.

**Ms Leigh:** I do not think somebody signed for something they had not received, in that simplistic sense, no.

**MR CAIN:** So who is responsible for the failures in authorising payment for something that really was not conducted or received?

**Ms Leigh:** Mr Cain, that was the answer I have provided in response to the question from Ms Lee. What we are looking at is how projects were governed, and whether that governance was appropriate, and as I said, at the time it was established that was the standard approach. We have continued to learn and continued to improve how we run projects, and the way we run projects today does not look anything like the way that project was run when it was initiated, for good reason. As I say, we were not alone in how we set up that project. That was the standard approach, and indeed, is still the standard approach in some areas. We have continued to strengthen our performance, and we will go on doing that because any healthy organisation continues to look for lessons learnt where they can further strengthen their performance and we will do that.

**MR CAIN:** Can you confirm which minister was responsible for the chief digital officer? Obviously I think the Under Treasurer, would be the responsibility of the treasurer?

**Mr Leigh:** Not necessarily. The under treasurer reports to other ministers as well.

**MR CAIN:** In this case who was the responsible minister for the chief digital officer and the under treasurer with respect to this project?

**Ms Leigh:** That is currently the Special Minister of State.

**MR CAIN:** No, at the time while this project was being undertaken.

**Ms Leigh:** This project has been undertaken over a number of years, Mr Cain, so I do not think I can answer that off the top of my head.

**MR CAIN:** The portfolio responsibility of which minister?

**Ms Leigh:** Yes, I am sorry, Mr Cain, I will—

**Mr Barr:** We will take that on notice. It would be several ministers.

**THE CHAIR:** Yes, perhaps by year and which minister.

**Mr Barr:** Yes.

The question on notice in relation to the engagement of the Head of Service is section 31(1) of the Public Sector Management Act:

The Chief Minister may engage an eligible person under contract on behalf of the territory as the Head of Service.

The further information in relation to that appointment and the responsibilities of the Head of Service are outlined earlier in that piece of legislation. There is a misnomer perpetrated I think by some within the Greens party that there is a term limit on SES

appointments. There is not, to be clear. A point I made clear in cabinet, so I have to say, we are somewhat surprised that we are still prosecuting this matter in estimates. Nevertheless, the answer to the question is that is under law an appointment by the Chief Minister, not something that the non-executive get to determine. Under law.

**MR BRADDOCK:** Chair, just a misrepresentation in terms of I was not asking anything about a term limit. I was asking what principles of merit have been applied to a process.

**Mr Barr:** Well, the original question suggested that there was a term limit.

**MR BRADDOCK:** Do you take many suggestions, Chief Minister?

**THE CHAIR:** Thank you, Mr Braddock. That is not a question.

**MS CLAY:** I might continue on this one. Can I clarify, is there a merit-based process for other SES members?

**Mr Barr:** As outlined in the Public Sector Management Act, the merit and equity principles apply. Yes, that is correct.

**MS CLAY:** But for this appointment, there is no process, it is just a decision by the Chief Minister?

**Mr Barr:** In accordance with the legislation, I must appoint an eligible person. Yes.

**MS CLAY:** But there is no process that applies to it, there is no panel?

**Mr Barr:** Well, there was for Ms Leigh's initial appointment by the previous Chief Minister. When there was a vacancy, there was a merit selection process. This was a reappointment, so there was no basis on which I would sack Ms Leigh or not extend her contract, because I am happy with her performance as head of service, and it is my appointment to make.

**MR CAIN:** Chief Minister, can you confirm that, with the re-appointment decision, there was no merit review, firstly, to evaluate Ms Leigh's performance and, secondly, to see whether there was a more suitable applicant for the position?

**Mr Barr:** The process of extending Ms Leigh's contract was done in accordance with the legislation, and it is a decision for me as the Chief Minister.

**MR CAIN:** There was not a merit review process?

**Mr Barr:** I reviewed Ms Leigh's performance when I extended her contract for the first time.

**MR CAIN:** You alone, or what—

**THE CHAIR:** Asked and answered, Mr Cain.

**Mr Barr:** According to the legislation, yes, it has to be me alone. I am accountable for the decision under the legislation. I make it.

**MR CAIN:** Did you take any advice on the merits of the re-appointment, or the extension of the contract?

**Mr Barr:** Yes. I undertook consultation with my colleagues in the cabinet as to whether they were happy with Ms Leigh's performance.

**MR CAIN:** Was there a formal review process?

**Mr Barr:** There was not a formal review process. There was no requirement for a formal review process.

**MS LEE:** Mr Barr, you mentioned that there are no term limits for SES appointments.

**Mr Barr:** Sorry; on the duration. They are five-year contracts, maximum, but there is no term limit on the number of contracts.

**MS LEE:** Yes, the number of contracts. That goes for the Head of Service as well as SES?

**Mr Barr:** As well as other people; or else every public servant who is on a contract, if it was according to the original question from Ms Lee—

**MR CAIN:** I think you have answered the question, Chief Minister.

**Mr Barr:** would have to leave the service after 10 years.

**MS LEE:** Yes; I was just clarifying that, because you mentioned it.

**MS CLAY:** Chief Minister, how often do whole-of-government staff surveys take place?

**Mr Barr:** Every two years—biennial.

**MS CLAY:** When was the last one?

**Mr Barr:** Last year.

**MS CLAY:** So it is due next year; okay. How are senior executives held accountable for the results of those staff surveys?

**Ms Leigh:** The point of the survey is to gather information, and it is a really useful way to do it because, of course, they are anonymous, so people feel completely free to provide their views. We gather that information to well inform us, as those responsible for managing the service, right down through the layers, as to where we are doing well and we need to keep doing it, and where there are issues and we want to improve our performance.

Again, going back to the point that we are a very diverse service, it will depend. Some areas have very large workforces in a particular area; others would have smaller workforces. It depends a lot on the nature of the service as to exactly what the process is to follow up on those outcomes, and the extent to which that information can be drilled down. Every area is then responsible, and wants to take advantage of this survey, to learn, “Where are the areas that we should focus on to improve?”

**MS CLAY:** Do you match up any of the results of those surveys with staff turnover or any other indicators that might tell you what is going on?

**Ms Leigh:** That is another important indicator of whether there are any issues in relation to a particular workforce. Of course, different workforces, naturally, have different levels of turnover. There could be a whole range of reasons for that. Yes, that is another very important piece of information.

**MS CLAY:** Two years is not very frequent. I know that a lot of workplaces tend to do six-month or 12-month staff survey check-ins. Do you think that once every two years is often enough?

**Ms Leigh:** It is hard to say what the perfect time frame is. The downside of doing them too often is that you never get on with actually putting in place actions to respond to them and see whether that has actually worked. If you are constantly doing new surveys, you are not going to take seriously what has come out of it and work on a plan for what we are going to focus on now, to take that next step. I feel comfortable that it is a good balance, but I acknowledge that there are a range of ways you could look at this.

**MS LEE:** Ms Leigh, in terms of those surveys, are they public?

**Ms Leigh:** In the *State of the Service Report*, you will find all of the information from that last survey.

**MS LEE:** Apart from the obvious de-identified information, what information is not made public in that report?

**Ms Leigh:** It is all de-identified because people do not put their names on it in the first place.

**MS LEE:** Yes, of course. That is why I asked: apart from that, is there any information that is not made public?

**Ms Leigh:** What we get is the extracted information—this percentage of people had this particular view, and that is down from last year or up from last year; and how much it is down or up from last year, which is the important information. We do not get the raw surveys that people fill in. We get the data that is pulled from that and put into a report, and it gives us all of the indicators that we need.

**MS LEE:** Is the information that you get, and that you have just described, made public?

**Ms Leigh:** Yes.

**MS LEE:** Who actually conducts the survey?

**Ms Leigh:** It is an external body that we engage to do that.

**MS LEE:** Do you have the name of the external body who did it last year?

**Ms Leigh:** The previous one was conducted by ORIMA. We will conduct a procurement each time.

**MS LEE:** Sorry?

**Ms Leigh:** It will be following a procurement process for the next survey.

**MS LEE:** What is the value of the contract for ORIMA to undertake that survey?

**Ms Carmody:** The contract cost was \$172,340 for 2021 and for 2023 it was \$240,390.

**MS LEE:** Has the process for the procurement for next year's survey started?

**Ms Leigh:** It is underway. I would have to take on notice how far it has progressed.

**MS LEE:** That would be great; thank you.

**Mr Young:** It is in the early stages of procurement planning and no announcement has been made as to who will be conducting the next survey.

**THE CHAIR:** This is an ACT public service wide survey?

**Ms Carmody:** That is correct.

**THE CHAIR:** The results are also collated by the business unit within each directorate; is that correct?

**Ms Leigh:** It depends on the size.

**THE CHAIR:** The size?

**Ms Leigh:** If an area is particularly small, because you are getting data about gender and potentially enough features that could lead, in a small workforce, individuals to feel they have been identified, that is taken into account in terms of the level at which the information is prepared.

**THE CHAIR:** If the information is publicly available, at what level is it available? Are there some sections where people talk about positive things? "My manager always listens to me, I feel valued and I have enough resources to do my work." Are there negative comments like, "I feel subject to bullying"? Is that all publicly available—the percentages who answer all of those questions?

**Ms Leigh:** I need to check that. I will take it on notice.



**THE CHAIR:** You may recall that there was an FOI in the Health Directorate where a lot of the negative information was redacted. My colleague Ms Castley went to the Ombudsman. All of the positive comments were there and there were no negative comments. The Ombudsman overturned that decision. I think that was in late 2023. Earlier this year I did a similar FOI for TCCS, and I have had the same result. All of the negative things have been redacted, page after page, and all of the positive things are there. Is there no consistent approach? Did we not learn from the Ombudsman's overturning of that decision?

**Ms Leigh:** I would need to take that on notice, Ms Lawder.

**THE CHAIR:** Thank you.

**MS LEE:** I have a couple of questions about probity audits. That is in this session?

**Mr Barr:** I guess it would depend on what they were into.

**MS LEE:** The probity audit that I want to ask a question about is in relation to the Campbell Primary School modernisation project.

**Mr Barr:** No, that is not going to be in this section.

**MS LEE:** Which section is it in?

**Mr Barr:** Depending on who has conducted it, either MPC or Education.

**MS LEE:** Is the probity audit that was specifically in relation to the awarding of that contract for that project MPC or is that Education?

**Mr Barr:** I will need to take on notice as to who has undertaken that probity audit, but it is not this group of officials.

**MS LEE:** That is what I was clarifying. All right. Will you get back to us about which area that is in?

**Mr Barr:** I will endeavour to get—

**MS ORR:** Directory services 101.

**Mr Barr:** Yes. I will continue my work as a stenographer for the committee. Yes.

**MS LEE:** You said you would take it on notice; that was all. All right. There are a number of questions on notice that I submitted—Mr Barr, you would be aware of these because you signed off on some of the answers to them—to each of the directorates on the number of fraud and misconduct cases across the ACT public service. There are some where you have signed off yourself and there are others that other ministers have signed off and—

**Mr Barr:** I believe you may have asked the same question to a number of different ministers.

**MS LEE:** Yes; I went through all of the directorates. I am assuming that Ms Leigh is also aware of the questions that I have asked.

**Mr Barr:** Quite possibly. As they relate to the Chief Minister, Treasury and Economic Development Directorate specifically, yes.

**MS LEE:** Sure. Having a look across the answers that I have got back, it seems that since 2020 there have been more than 600 fraud and misconduct cases commenced; more than 300 cases which have been closed, with a finding of fraud or corruption substantiated; more than 250 referrals to the Public Sector Standards Commissioner; and more than 50 referrals to the Integrity Commissioner, with five of those referrals being dismissed and 16 referred back to the directorates. Are these numbers concerning to you in terms of the findings that have come back?

**Ms Leigh:** Ms Lee, in terms of the matters referred to the Public Sector Standards Commissioner, in fact the numbers have come down in the last year. Ms Thompson could provide more information specifically in relation to the Public Sector Standards Commissioner.

**MS LEE:** Thank you.

**Ms Thompson:** I have read the privilege statement and its requirements. This year we have had a reduced number of referrals to the Public Sector Standards Commissioner. We have the benefit of a data expert this year, who, earlier in the year, predicted that we would have about 90 referrals. That is based on the data modelling that we have. Across the various years the number of referrals does go up and down. They do not reflect the nature of the misconduct or the number of instances in the service.

We have not yet had the benefit of more intelligence to work out why those fluctuations happen, but they are likely to have things to do with education programs, matters that are in the public environment that might have people actually think more about reporting. Year to year we do have a dynamic number of matters that are reported to the Public Sector Standards Commissioner. As I said, this year it has gone down. The data modelling would suggest that next year it might go up; that has been consistent across the last five years.

**MS LEE:** You mentioned the numbers going down. Is that compared to last year or previous years?

**Ms Thompson:** Compared to last year, yes.

**MS LEE:** Compared to last year. And have you referenced that or cross-referenced it in terms of the numbers that have been referred elsewhere, to the Integrity Commission or the Auditor-General or the Ombudsman or any of those external agencies?

**Ms Thompson:** It is a really good question. No one directorate or no person is going to know how many referrals are made to the Integrity Commission except the Integrity

Commission themselves. That is because of the nature of their confidentiality requirements. There are obviously the public interest disclosure requirements as well. We do talk with other complaints agencies. It is not best practice to have a number of investigations occurring in relation to the one matter at any one time, so we do make sure that there is not an overlap or two investigations occurring at that time.

**MS LEE:** Sure. In terms of the matters that were referred back to the directorate from the Integrity Commission, can you give us a breakdown of what has happened to those matters?

**Ms Thompson:** I believe that would be a question for the Integrity Commission, because we will not have direct oversight in a central agency of what matters they have referred back. They do have a section 108 that requires that, when they have referred a matter under 107, a 108 report is provided back to the Integrity Commission, so they may be able to answer that.

**MS LEE:** In relation to what is happening in CMTEDD in terms of the matters that have been referred back by the Integrity Commissioner, can you provide the committee with what has happened to those matters?

**Ms Thompson:** I cannot, under the Public Sector Standards Commissioner. I am not sure if another official might be better placed.

**MS LEE:** Is there anyone who can answer that question? Ms Leigh?

**Ms Leigh:** Mr Wright.

**Mr Wright:** Thank you, Ms Lee. I have read and understand the privilege statement. Would you remind repeating the question?

**MS LEE:** Sure. In terms of matters that were referred by the directorate to the Integrity Commission that were referred back for further action, can you outline how many and what has happened to those matters?

**Mr Wright:** Ms Lee, with matters that are referred to the Integrity Commission, SES officers all have mandatory reporting obligations, so the centre of the directorate may not be aware of all the matters which are referred to the Integrity Commission. I would be aware of matters which come to me, in my role as senior executive responsible for business integrity and risk, but as to all matters which have been referred across, I do not have visibility of that; nor is that data provided back to either CMTEDD or Ms Thompson, in her role with the PSU. As to particular matters which have come back that I am aware of, I am very happy to take those ones on notice, but it is quite a broad thing.

**MS LEE:** Of course. While you take that on notice, would you be able to provide a breakdown in relation to the total number that you are aware of in CMTEDD, and whether the Integrity Commissioner has referred it for further action and what that further action might be? Thank you. I appreciate that.

**Mr Wright:** Thanks, Ms Lee.

**THE CHAIR:** Ms Thompson, you mentioned that the number of fraud and misconduct cases was lower this year than last year. How does last year compare to the year before that? What is the trend?

**Ms Thompson:** To the year before that? I would have to look that up. Last year 114 matters were referred to the Public Sector Standards Commissioner. This year it is 89. The year before that I think it was in the 80s, perhaps around 87.

**THE CHAIR:** So it is fewer than last year, but last year might have been an outlier. Is that what you are saying?

**Ms Thompson:** Yes, but the year before was also higher than the year before that, so we are seeing a sort of zigzag pattern. One year we have a high number of referrals and the next year we have a lower number of referrals. What we would like to do is a little bit more analysis as to what might be affecting that, because that will certainly help us. Integrity is obviously an important aspect for all members of the public service, so we would like to look into whether there are factors affecting that that can help us for a pro-reporting culture.

Can I also add something on the reporting on fraud in the annual reports or in some of the questions that might have been asked. The definition of fraud is a bit different across various environments. Where we see it in a whole-of-government survey, you might see people saying that they have actually witnessed fraud or misconduct. Their definition of that might be different to, say, one that the Integrity Commissioner or the Public Sector Standards Commissioner might have in terms of where a threshold is set or where it might meet a definition to actually take action.

**THE CHAIR:** It is different to the pub test.

**Ms Thompson:** Yes.

**MS LEE:** In terms of when a matter is referred to the Public Sector Standards Unit, do you have data about the average time taken to finalise any matters?

**Ms Thompson:** Yes. We have conducted a significant body of work to try and reduce that time frame. In the last year we managed to get the average time lapsed across an investigation down from 122 days to 93 days. If you actually take into account matters outside the control of the PSSU, such as a person being on personal leave, which means we cannot contact them, and cannot progress the matter at all, we have the time frame in which we can actively work on a case down from 99 days to 79 days.

**MS LEE:** What do you mean by someone being on personal leave and you cannot access them?

**Ms Thompson:** There are a number of reasons why we might be in a position where we cannot work on a case. That could be where we cannot write the report, we cannot contact any witnesses or do anything because we have already done that level of work, and we are up to the point, for example, of the respondent needing to look at the material that we are providing to them and provide their response to it. But if they are on

designated personal leave, that is not a time when we can necessarily provide them with that material and have them respond back.

**MS LEE:** What is the length of personal leave that someone might be on, which would add to this time frame?

**Ms Thompson:** That would be a very individual circumstance. Some people might be on personal leave for a couple of weeks and other people might be on it for a more significant period of time.

**MS LEE:** What is the longest period where someone has been on personal leave during an investigation?

**Ms Thompson:** I would have to take that on notice.

**MS LEE:** With the nature of the leave, is that the same as being stood down and someone else is acting in their job?

**Ms Thompson:** Not when they are on personal leave, no. Usually, the expectation is that somebody is suspended, but they would still participate in the process.

**MS LEE:** In terms of people who are suspended, what is the longest period that someone has been suspended during an investigation?

**Ms Thompson:** I probably could not answer that. I can answer as to our knowledge during the period of the investigation, when people might be actually stood down. We would know about it during that period, but we would not necessarily know about it beyond that. I can say that this year we have seen a reduction in the number of people suspended, which the Public Sector Standards Commissioner thinks is a positive thing. If somebody has not engaged in conduct that would lead obviously to termination, it can be very difficult to re-engage people back into the service when they have been on suspension. It really should be in those situations where we cannot manage the risks. Going to what Ms Leigh said earlier about the reasons for suspension, the person would need to be on suspension.

**MS LEE:** Do you have the longest period within the remit of your control of the investigation?

**Ms Thompson:** I could certainly look at what our information tells us about what we are aware of.

**THE CHAIR:** Take that on notice.

**Ms Thompson:** Yes.

**MR CAIN:** Chief Minister, regarding the Wallaroo solar farm, what did your letter to the New South Wales Premier say about the proposed Wallaroo solar farm, and will you table a copy of the letter for this committee?

**Mr Barr:** I wrote to the Premier regarding the proposed solar farm at Wallaroo in the

Yass Valley Council area. I noted that the proposed solar farm would be located immediately adjacent to the ACT border and approximately 750 metres north-west of the ACT suburbs of Dunlop and Macgregor. I went on to say:

I understand that the project is currently being considered by the New South Wales Independent Planning Commission to determine the outcome of the planning application.

I want to recognise the importance of renewable energy projects and solar energy in reducing greenhouse gas emissions and supporting the transition to net zero energy. However, concerns have been raised by both ACT community members and the ACT Environment, Planning and Sustainable Development Directorate around the visual impact of the proposed farm on adjacent ACT residents, as well as the need for appropriate mechanisms to manage bushfire risks and to ensure that there are no negative impacts on the adjacent ACT nature reserve.

As part of the Independent Planning Commission's process, a public meeting will be held in Murrumbateman at 10 am on Thursday, 18 July. Given the impact of the proposed project on ACT residents, and that a significant proportion of the Yass Council residents commute into the ACT on a daily basis, this timing may not be convenient for many people.

It would be unfortunate if the timing of this important community engagement meant that interested parties on both sides of the border missed their chance to attend and engage with the process. I would appreciate your support in ensuring that the planning processes provide opportunities for our cross-border communities to provide input into the decision-making on this project.

Further, the issues raised by the ACT on the draft instrument of consent seem not to have been taken into account by the proposed conditions—in particular, in relation to the ACT's position that a buffer from the Jarramlee Nature Reserve should be established. I would appreciate advice on whether these comments will be addressed. The best contact in my directorate on this matter is Leesa Croke, Deputy Director-General, Policy and Cabinet. Thank you for your consideration of this matter.

**MR CAIN:** When was that letter sent?

**Mr Barr:** I sent that on 16 July.

**MR CAIN:** You have read that letter. Are you happy to table a copy of that letter?

**Mr Barr:** I have read the letter out; I think that is sufficient.

**MR CAIN:** Are you happy to table a copy of the letter?

**Mr Barr:** I have read the letter out; I think that is sufficient.

**MR CAIN:** That is a “no” to tabling the letter?

**MS ORR:** I think he has answered the question.

**Mr Barr:** I have read the letter out, word for word.

**THE CHAIR:** It will be in the transcript.

**MR CAIN:** When do you expect to get a response from the Premier?

**Mr Barr:** I had the opportunity, at the climate action ministers meeting, to meet with the New South Wales energy minister on the sidelines and raise these concerns. I shared that correspondence with her. I would expect the New South Wales government to look at what is possible, noting that the project is being considered under their Independent Planning Commission framework, which does limit, under New South Wales law, the level of ministerial intervention that is possible. But the Premier and the New South Wales minister are aware of the ACT's concerns, as I have outlined here.

To be clear, our region, our community and our nation need more renewable energy generation. I am not campaigning against—

**MR CAIN:** Thank you; I think you have answered that question.

**Mr Barr:** I am not campaigning against a solar farm, but I do believe, as I have outlined in the correspondence I have read out to the committee—

**MR CAIN:** Thank you, Chief Minister; I have my answer.

**Mr Barr:** Seriously?

**THE CHAIR:** You cannot direct him how to answer, Mr Cain.

**MR CAIN:** It was a particular question and I believe it has been answered.

**MS ORR:** I would like to hear what Mr Barr has to say.

**Mr Barr:** I have to say, Madam Chair—

**MR CAIN:** Chief Minister—

**THE CHAIR:** Stop interrupting.

**Mr Barr:** Thank you. I appreciate that. I have not concluded my answer. The point that I am keen to make, as I have outlined, is the importance of renewable energy projects. There is also an important principle around consulting those who are impacted, and there are people on the ACT side of the border who are impacted and who deserve to be consulted as part of the New South Wales Independent Planning Commission process. That is what I have asked for, and I hope that the New South Wales authorities will see fit to provide that opportunity.

**MR CAIN:** Do you share the concerns of prominent winemaker Nick O'Leary, who has expressed concerns about the impact on tourism, noting that the Canberra wine region is largely in New South Wales, but it is obviously linked to the ACT as a tourist destination?

**Mr Barr:** I am not familiar with the detail of Mr O’Leary’s concerns, so I am not in a position to comment on them. I have seen some media reports. Yes, I recognise the importance of the Canberra wine district, but it would be fair to say that there should be a pathway forward here that sees a solar farm for the region that can provide long-term energy security. Let me be very clear: a solar farm is preferable to a small modular nuclear reactor for the capital region.

**MR CAIN:** You wrote on 16 July, but surely the concerns that you have expressed were very apparent to residents, let alone the government. Why is this the earliest that you have written on this issue?

**Mr Barr:** The ACT government has made representations earlier than I did, but the independent—

**MR CAIN:** When did they begin?

**THE CHAIR:** That was your last question. We are done.

On behalf of the committee, I would like to thank our witnesses for their attendance today. If you have taken questions on notice—there have been a number—please provide your answers to the committee secretary within three business days of receiving the uncorrected proof *Hansard*.

On behalf of the committee, I would like to thank all of our witnesses who have assisted the committee with their experience and knowledge today. I also thank broadcasting and Hansard for their support. If members wish to ask questions on notice, please upload them to the parliament portal as soon as practicable, and no later than three business days after the hearing. This meeting is now adjourned.

**The committee adjourned at 5.01 pm.**