



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**STANDING COMMITTEE ON JUSTICE
AND COMMUNITY SAFETY**

(Reference: [Inquiry into Annual and Financial Reports 2021-2022](#))

Members:

MR P CAIN (Chair)
DR M PATERSON (Deputy Chair)
MR A BRADDOCK

TRANSCRIPT OF EVIDENCE

CANBERRA

THURSDAY, 10 NOVEMBER 2022

Secretary to the committee:
Ms K de Kleuver (Ph: 620 70524)

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

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Amended 20 May 2013

The committee met at 9.15 am.

Office of the Inspector of Correctional Services

McAllister, Mr Neil, Inspector of Correctional Services

Minty, Ms Rebecca, Deputy Inspector

THE CHAIR: Good morning everyone and welcome to the public hearings of the inquiry into the annual and financial reports for 2021-22 by the Standing Committee on Justice and Community Safety. The proceedings today will examine the annual and financial reports for the Office of the Inspector of Correctional Services, Justice and Community Safety Directorate, Chief Minister, Treasury and Economic Development Directorate.

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

The first time witnesses speak they will need to state their name and the capacity in which they appear. The proceedings 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 used these words, "I will take that as a question on notice." This will help the committee and witnesses to confirm questions taken on notice.

In this first session we will hear from the Office of the Inspector of Correctional Services, and I welcome on Webex Mr Neil McAllister and Ms Rebecca Minty, Deputy Inspector, who is with us in person. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Could you each confirm for the record that you understand the privilege implications of the statement?

Mr McAllister: Yes, I do.

Ms Minty: Yes; I acknowledge the privilege statement.

THE CHAIR: Thank you. As we are not taking opening statements, we will proceed to questions and I will lead off. In the recent estimates hearings you said, Inspector, that your budget bid for the last three years has languished and not been approved. Do you ever receive any feedback as to why your bid is not successful?

Mr McAllister: Not precisely. We started a bid, as we mentioned in the estimates hearings, to fund an ASO6 position to mainly assist with our work on Bimberi, which was not funded in the original budget. I cannot remember the exact numbers but we put in at least two or three submissions or revised submissions and we have had no feedback other than to say that they did not progress within the budget process.

THE CHAIR: When you say in your annual report that you are funding an additional

staff member out of your operational budget, what exactly do you mean by that? Can you expand on that statement?

Mr McAllister: We have endeavoured to make as many savings as we can out of our operational budget to effectively fund this third position. We have done that by, for example, in the Healthy Prison Review we have just completed, by not engaging as many external contractors and by spreading the review over a longer period of time so that we collectively in the unit can devote more time to it without necessarily engaging expensive contractors.

Also, as bit of an inadvertent saving, because of the COVID situation over the last couple of years, my travel to Canberra has been significantly reduced, which has saved money on airfares and accommodation. It is not the best outcome, but inadvertently it saved us budget money. So we have been making savings as much as we can in our operational budget to keep funding this required third position.

THE CHAIR: How would another staff member benefit your office and your oversight of correctional facilities in the ACT?

Mr McAllister: Effectively, as I mentioned earlier, the office was never funded for the Bimberi function at all. That is on the public record. In addition to that, we have now picked up OPCAT responsibilities as one of the ACT's national preventive mechanisms. There is no ongoing funding provided for that. The commonwealth provided some establishment funding, but that is limited in duration. So we do not have any additional funding to carry out our OPCAT responsibilities in the ACT. Effectively, we are not funded for Bimberi and we are not funded for OPCAT.

Ms Minty: May I add to what the inspector said? Additional funding for an additional staff position would also help us follow up on recommendations. As we note in our annual report, we have made around 170 recommendations that the government have either agreed or agreed in principle. But we just do not have the staff capacity to follow up on every one of those. In the current Healthy Prison Review there are some recommendations that we have sought to follow up on because, I think we agree, it is an important part of the continual improvement. But we simply do not have the capacity to validate. We get reports back from Corrective Services as to how the progress is going, but sometimes it is very important for us to make our own inquiries. Having an additional staff member would also support that function as well as what Neil said about Bimberi and OPCAT oversight.

DR PATERSON: I was wondering if you could outline your oversight of Bimberi currently and where it is falling short—so what level of oversight you would like to have and where it is at.

Mr McAllister: We conducted one major Healthy Centre Review of Bimberi, which is a quite extensive piece of work. We have not had occasion to go to Bimberi as a result of critical incidents that are covered under our legislation, simply because there had not been any at the Bimberi in that period of time.

We are required to conduct a thematic review. That is a review of the correctional services under the act. We call it a thematic review. We have overloaded AMC, if you

like, with the Healthy Prison Review and a number of very unfortunate critical incidents. So we will have a focus on Bimberi next year.

We do not routinely visit any of the correctional centres because we do not have the role that, for example, an Official Visitor has. The Human Rights Commission has a certain role at Bimberi in terms of the Children & Young People Commissioner. So we do not make routine visits. But, under OPCAT requirements, we and the other ACT National Preventive Mechanisms do have a responsibility to make inspections, for want of a better word, of those facilities. We are still working through with the other NPMs what those inspections might look like. Rebecca can talk to that more because she has been managing that process.

Ms Minty: I would just simply say that we are not able to get out regularly, as Neil has said, so we have not been visiting Bimberi. With the new requirements under the OPCAT, the obligation is certainly to get out with more frequency. It is not defined exactly what that means, but we are looking at every few months. It does not always have to be a full-blown report that is tabled in the Assembly. But that frequency of visits is something we have not been able to do but that we need to look at doing.

DR PATERSON: Yes. You have noted that the Healthy Centre Review is completed. Are there any insights or observations from that process that you are able to give the committee, with the full understanding that it has not been tabled yet?

Mr McAllister: I will ask Rebecca talk to that. But you are quite right that it would not be proper for us to disclose things in detail in the report before it has been formally tabled, and so that all members can receive the information at the same time. But I am happy for Rebecca to outline some of the key issues if that is acceptable.

Ms Minty: Probably a key issue is the lack of activity out there. I know that the committee and Assembly are aware of the lack of education services out there. There is no doubt that COVID had a massive impact and there have been really trying circumstances for corrections staff. It is a really difficult environment, but we are moving on.

We spoke extensively with detainees and with staff as well, and I think that the boredom is a common theme. We were talking to detainees and were getting their perspectives about how that impacts them and we also heard from staff. They are saying to us that they get up to trouble because the detainees do not have anything to do. Staff really want to see them busy, active and tired at the end of the day and getting out of bed in the morning ready for another day of activity. I will probably leave it there, but that is a big issue that has come up this year.

DR PATERSON: Thank you.

MR BRADDOCK: In your report about the death in custody, I note there was a risk that had been identified and reported back in 2015 but had not been addressed. My concern is how many other risks have been identified over the years and have not been addressed. Do you have any insight to that?

Mr McAllister: We need to be, as you would appreciate, very careful what we say

about the death in custody of the young man because the matter is before the coroner. Clearly our report is tabled and we have made some comments about that, and that is something I am assuming the coroner will consider.

In terms of risk mitigation generally, we do not do what you might call security audits of the AMC; that is quite a specialist function. We tend to look at risk mitigation during the course of a major review when certain matters come up or in the context of conducting critical incident reviews where, clearly, there is a focus there on whether those risks are acceptable or whether they needed to be mitigated and so on. We do not have a risk mitigation profile, so to speak, but we look at those things when they arise during various reviews.

MR BRADDOCK: So, to clarify: you do not have oversight of AMC's risk mitigation processes and systems?

Mr McAllister: No, we do not.

MR BRADDOCK: Thank you.

THE CHAIR: The UN Subcommittee on Prevention of Torture recently visited the AMC. Was your office involved in that in any way, and have there been any talks between the UN delegate and your office about any issues at AMC?

Mr McAllister: I will defer to Rebecca on that because, coincidentally, Rebecca was out there at the Alexander Maconochie Centre on another matter when the SPT arrived. So I will ask her to talk to that and the background as well.

Ms Minty: Thank you for the question. As the committee would be aware, the UN subcommittee did visit Australia. Unfortunately, they had to suspend their visit, which is quite a rare occurrence. It has only occurred three times globally since the committee has been functioning. That was to do with a lack of access to facilities in New South Wales and Queensland—so not relevant to the way they conducted their affairs in the ACT.

They did some information sessions and some training sessions for bodies like us that have already been designated as an NPM. So we did get the opportunity to meet with them, talk to them and better understand what OPCAT means and how to operationalise it. They are very tight-lipped about where they go, because a part of their modalities is about unannounced visits. So they certainly did not tell us or anyone. It so happened that we were, as Neil said, following up on a matter for the Healthy Prison Review and we did see them out there. They did not share any insights with us.

If they do choose to resume their visit, they will produce a report that will go to the federal government. It is up to the commonwealth government to decide whether it becomes public. That may have some observations about AMC, because they certainly visited there. If the visit gets terminated, my understanding is they have the right to publish their report without the consent of the commonwealth. I think the big challenge that their visit identified was, firstly, the lack of a legislative framework and, secondly, funding for preventive style monitoring across Australia.

As Neil has flagged already, although the commonwealth government have provided Close the Gap funding to the ACT, which is about \$143,000 over two years, that is funding the coordination of the three bodies and getting the mechanics and the modalities together. It is not actually funding the regular visits. Over recent weeks, it has become clearly apparent that, without further funding for the three NPMs—us, the ACT Human Rights Commission and the ACT Ombudsman—we will be unable to fulfil our mandate. That includes mental health places of detention as well. The Human Rights Commission simply do not have funding to regularly do that monitoring of mental health. Also, as Neil flagged already, it requires us to go to Bimberi more frequently and do different style visits. So it is an issue for the ACT NPMs that we will continue to raise.

THE CHAIR: What is the process—the UN committee will just turn up at the prison? Do they notify anyone at all—whether it is the ACT or commonwealth?

Ms Minty: When a country ratifies the treaty, the country accepts the modality. So Australia was well-aware in 2017 originally, when we ratified the treaty. They did announce that they were coming to Australia and they announced the dates. So there were a lot of discussions going on with the federal Attorney-General's Department, the ACT JACS Directorate and others. AMC was well-aware that, in this two-week period, you may get people turning up and asking to enter. They do expect to be let straight in because that is the modality. It is about ensuring that there is no pre-planned preparation for visits. I understand it went smoothly at AMC. I know there were commissioner's instructions to staff beforehand to put them on notice and there was a number to call for a senior staff member to let them in. It went fairly well I understand.

DR PATERSON: In your annual report you talk about delivering training on human rights to 15 corrections officers, new recruits. How extensive is the training that you deliver and is it ongoing as well?

Ms Minty: It is really the Human Rights Commission that leads the training, and we support where we can. The Human Rights Commission training covers the Human Rights Act and obligations around that in a really practical way. They have a lot of scenarios for new recruits. I think it is a very valuable training initiative. Often the new recruits come in and it is a new approach—so I think it is important.

In terms of what we do, we like to explain our scope. There have been benefits because, later on, when the new recruits are on the floor in the jail, they will come and say hi and have a chat and we will see how things are going. It is important for a body like ours that we have an ability to talk to staff informally as well as detainees. But it is Human Rights Commission training that we assist with.

DR PATERSON: How long has that been going on for?

Ms Minty: I would have to check with the commission, but certainly some years. I would say at least four or five years that I am aware of or that we have been involved in.

DR PATERSON: Great. Thank you.

MR BRADDOCK: I have a question about detainees' access to computers and the internet for study purposes. Are you satisfied with the way that is, or what improvements do you think need to be made to enable them to do that?

Ms Minty: Thank you for that question. I do not want to say too much about it because it is a matter that we will cover in the Healthy Prison Review, which will come out in a matter of weeks. There have been serious obstacles. My understanding is that there are only a dozen or so detainees that are trying to do tertiary education and there have been concerns accessing the required software, for example, and being able to engage. As you know, with online learning, there are a lot of interactive aspects.

Of course, being in a correctional environment imposes additional challenges because there are all sorts of considerations—keeping in mind not impacting on victims of crime and so on, I understand that, but it could be done in a much more straightforward way. We have heard of other jurisdictions where it can happen—whether it is just supervised access to a laptop or whatever. It has been an ongoing issue all year and it has not been resolved satisfactorily at this point of time. We will say more about it in the Healthy Prison Review.

MR BRADDOCK: Thank you.

THE CHAIR: Regarding visits related to the protocol against torture, I noticed in your annual report you referenced a situation that has not been resolved with the ACT government, being the issue of examinations and reviews under your act and visits as the National Preventative Mechanism. Could you walk us through the details of this and why it has not been resolved?

Mr McAllister: Perhaps I can start and Rebecca will note in more detail. Under the Inspector of Correctional Services Act we have certain powers to do things in the conduct of reviews that are specified in the act. Our powers of access, our powers of requiring documents by electronic records to be provided and that sort of thing are all attached to our review functions under the act. When we come to OPCAT inspections of whatever sort they may be, arguably those powers do not apply—even, for example, to entry to the AMC or Bimberi.

To temporarily resolve that, the Commissioner of ACT Corrective Services has issued a directive saying that, for all intents and purposes, if we were to make an OPCAT inspection our powers still apply. But that does not solve the technical issue of the extent of our powers. Rebecca, can you fill in the legal stuff, because you can explain it a bit better?

Ms Minty: Yes, sure. The way our act was set up, it talks about us doing “examination and review”. That is quite a full blown process that involves providing a draft to the minister and to JACS for fact checking with six weeks notice. Some of our powers are connected to that examination and review, like the ability to request documents. Whereas, with the OPCAT scheme, like I foreshadowed before with Bimberi, it is important that we be able to go in. There may be an issue that is not

necessary to do a really full-blown report into; it might be something that can be resolved at quite a low level. But we still need the power to be able to review documents and do all that sort of thing.

It is a technical issue. But now that we are starting to have discussions with the other NPMs, I think there are broader legislative deficiencies for not just us but also the ACT Human Rights Commission. We are looking at potentially proposing bulk amendments to all our legislation to address that. There might be some tweaks that can happen to our act in the meantime. Currently, the will is there. There are no obstacles at Bimberi, CSD, JACS or Corrections to let us do this; it is more addressing the technicalities.

THE CHAIR: So it was just an oversight in the legislative scheme or some policy difference?

Ms Minty: When our act entered into force, there was thought about the OPCAT and what that might involve, but at that point there were no live obligations. Our thinking collectively as a jurisdiction has evolved as to what OPCAT really means for the ACT. So I think if you were starting an inspectorate today you would incorporate those powers, but it probably was not as apparent at the time.

Mr McAllister: I just want to emphasise the comments Rebecca made before. We have in no way been impeded in entering those centres. If we wanted to do an OPCAT inspection today, there would be no impediment to doing that. There is no lack of goodwill on the part of JACS or CSD. It really is what Rebecca said: a technical legislative issue. So there is no lack of goodwill. We are not being prevented from doing anything; it is just the technicalities.

THE CHAIR: Thank you.

DR PATERSON: I am interested in the mental health aspect oversight. Yesterday I spoke with the Minister for Mental Health around emergency detention for people who are experiencing mental health issues. They have a three-day limit and then an 11-day post that where you can be detained by the state basically. Is that an area that you have any oversight of or could do? Is it in the hospital or is it only in mental health facilities that you potentially have oversight?

Mr McAllister: I will stand corrected but, during the review, I think we became aware of some police powers to detain people at the AMC for short periods of time. Rebecca, is my understanding correct?

Ms Minty: There is a limit to how long someone can be detained at the watch house. So, over weekends, they may be transferred to AMC. But, in relation to mental health detention, I imagine it would be under the Mental Health Act. Our jurisdiction only covers detention under the Corrections Management Act and the Children and Young People Act.

However, it is something that is relevant to OPCAT, as an NPM, because, as you say, it is detention. Most likely, it would fall to the Human Rights Commission, and we are still as a collective determining who will oversee what. We are also looking at their

powers to oversight that sort of detention. I guess the whole point of OPCAT is that detention in any shape or form is subject to regular oversight and monitoring. So that is very much captured within the scope, but it would not fall to our office. If a detainee is transferred to hospital and they are still under the custody of Corrections, that would potentially be in our scope, but not mental health detention.

DR PATERSON: In the annual report has over 1,000 people who are detained for at least three days and 600 or so who were detained longer. So, yes, it is quite substantial.

Ms Minty: In what settings is it?

DR PATERSON: In mental health. I do not know which facilities or anything like that.

MR BRADDOCK: I am interested—and you might say this is also part of the Healthy Prison Review—in the impact of restricted access to phones and the ability to call family and loved ones and so forth is having on detainees. Are you able to talk to that?

Mr McAllister: I will talk to that just briefly. We do talk about that quite a lot in the report that we are about to table, but it is not a new issue. We have raised this issue before. Detainees can find the cost of making phone calls extremely prohibitive. Given that most of them do not have any significant income from working at the prison and are reliant on funding being put into their accounts by family members, they can find the cost of phone calls to be extremely expensive.

It is not unique to the ACT; it seems to be a problem in other prisons as well. I had one detainee point out that if he were outside he could go to a Telstra public phone box and call anywhere in Australia for free, but instead he has to pay. I cannot remember the exact amount—it is in our report, but it was several dollars for short phone calls that you and I would make for practically nothing. So it is an issue, and we do explore it in some length in the review.

Ms Minty: I would just add that the infrastructure of the jail was originally built for 250 or so detainees. But, as the prison has grown to 350 plus or 400 detainees, the number of phones has not increased. So there is increased demand to get access to the phone. I think during the COVID period they were not getting access to phones. So, when they get time out of their cells, there is a lot of demand to use those phones. Sometimes there is a lack of privacy with other people milling around. So it is not an ideal situation at all.

I think the Zoom visits have been a really positive development. Corrections introduced them quickly during COVID and they are continuing, which is really pleasing. But the visits centre is the same size and that constrains access to Zoom and access to in person visits. So, yes, it is a big picture issue.

THE CHAIR: I think we have come to the end of our session time. On behalf of the committee, I would like to thank Mr McAllister and Ms Minty for their attendance today. I also understand, Mr McAllister, that your appointment expires on 13 March next year.

Mr McAllister: It does indeed.

THE CHAIR: Thank you for your nearly five years of service in this role.

Mr McAllister: May I say it genuinely has been an honour. Rebecca and I and our other team members are absolutely committed to the fact that we report to the ACT Legislative Assembly and not to anyone in government. We see that as our role and our responsibility.

THE CHAIR: Thank you very much. If witnesses have taken questions on notice please provide answers to the secretary within five working days of receipt of the uncorrected proof of transcript.

Short suspension.

Appearances:

Steel, Mr Chris, Minister for Skills, Minister for Transport and City Services and Special Minister of State

Justice and Community Safety Directorate

Glenn, Mr Richard, Director-General

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

THE CHAIR: In this next session we will hear from the Justice and Community Safety Directorate and the Chief Minister, Treasury and Economic Development Directorate. We welcome the Special Minister of State, Mr Steel, and officials.

The proceedings 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, please say, "I will take that as a question taken on notice." I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Could you confirm for the record that you understand the privilege implications of the statement?

Mr Steel: I do, thank you, Chair.

THE CHAIR: As we are not inviting opening statements, we will proceed to questions. I acknowledge that Mr Parton is here as well, and I will pass my substantive question to him.

MR PARTON: Thank you, Mr Cain. I note on Friday last week that the *Canberra Times* reported the resignation of Duncan Edghill from the Canberra Racing Club board due to a perceived conflict of interest. Minister, did your office or the Chief Minister's office ask Mr Edghill to resign or did he receive advice from any part of government, including the Attorney-General or the Solicitor-General, about the potential conflict?

Mr Steel: I can speak for myself and say no, I did not ask him to resign.

MR PARTON: You have spoken on your behalf, but are you aware of any other advice that came from any arm of government suggesting that he should resign?

Mr Steel: I am not personally aware, no.

MR PARTON: Was Mr Edghill aware of the option of no racetrack at Thoroughbred Park in the draft north Canberra and inner city district plan prior to the option becoming public last Tuesday?

Mr Steel: That is not a question that I can answer.

MR PARTON: Given that developing the entire precinct would potentially yield completed dwellings worth \$5 billion, have you at any stage had a conversation with

Mr Edghill about the race club being open to ceding the land at Thoroughbred Park in exchange for another parcel of land in the ACT? What I am getting at is: will you be offering the club an alternative site in the ACT, despite their publicly stated desire to stay at Thoroughbred Park? Is that something that you can rule in or out for the committee?

Mr Steel: There were multiple questions in that one. The answer to the first question is, no, I do not believe so. What we have undertaken to do in our memorandum of understanding with the Racing Club is to have a discussion with them, through the governance process that we have established, through the MOU with the joint racing industry and government committee, about potential land development opportunities at Thoroughbred Park. We will be having those conversations through that forum. Indeed the Racing Club themselves have put forward a master plan for the redevelopment of that park. The planning documents indeed reflect those opportunities.

MR PARTON: An alternative site is not going to be offered to the race club? There is not talk of an alternative site?

Mr Steel: I do not believe so. There is certainly discussion with the Racing Club about their master plan. We are looking forward to having that with the club. I think that the planning documents reflect some of their ambitions. They will be consulted as well. That is an important point to make. They are a draft out for consultation. We look forward to hearing from the club about their views.

DR PATERSON: Minister, last year the JACS committee produced their election inquiry report, and the government has responded to that. Is there any reform on the way? What is the government looking to progress in terms of electoral reform?

Mr Steel: We have not yet made announcements about what we are planning to progress, but we are certainly taking into account all of the recommendations made by the committee. Indeed, with respect to the recent federal committee inquiry, some similar issues that have been thought about here in the ACT are also being dealt with federally. Of course, there is an objective of having some level of consistency with electoral legislation, so we are just working through that.

MR BRADDOCK: Continuing on the theme, what is the time frame? Will we be able to implement those reforms in a timely manner before the next election, and having regard to the requirements of the Electoral Commission to be able to incorporate any changes in a timely fashion?

Mr Steel: Certainly, we are cognisant of the need to get this done sooner than what occurred last term, when electoral reform was being debated in the year of the election, which meant that some provisions could not be implemented until after the election, which I do not think is ideal. Certainly, we will be taking into account the views of the Electoral Commission in terms of anything that they may need to implement. But until the policy is determined, we will not have clarity on that.

MR BRADDOCK: You mentioned wanting to remain consistent with federal-level reforms. Which ones are you interested in?

Mr Steel: There is a High Court case in relation to a particular matter in New South Wales that we are looking at very closely, as to what the implications might be for the ACT. We need to take into account that we operate on some of the same constitutional principles around freedom of political communication, and we need to take into account policy developments that are occurring in other jurisdictions.

Federally, they are having some of the same discussions around transparency and accountability of political donations and the like. We are, obviously, interested in what they are doing. I think we are ahead of them in many respects, but there may be some areas, depending on what they bring forward in their own electoral reform legislation, that may trigger us to have a look at whether we can implement similar reforms, if they are ones that we agree with.

MR BRADDOCK: Do you know what the federal time frame is for their reforms?

Mr Steel: I think they are running slightly behind us in the sense that they have only just had their election earlier this year and they are just embarking on their committee inquiry, similar to what we undertook in the ACT. That has not yet reported. The ACT government has made a submission to the inquiry, addressing the terms of reference. We look forward to hearing what recommendations come out of that.

MR PARTON: Going back to the resignation of Mr Edghill, Minister, I also note that the *Canberra Times* covered the potential conflict of interest concerning Nikki Pulford, who is also a senior executive at Major Projects Canberra. Do you believe that Ms Pulford has a conflict of interest, given her seniority at Major Projects Canberra, and will you be asking her to resign from the Racing Club committee?

Mr Steel: I am not aware of that. Certainly, that would be a matter—

MR PARTON: You are not aware of that in particular?

Mr Steel: That would be a matter for their direct manager and the head of the public service to manage.

MR PARTON: Obviously, you are aware that Ms Pulford is a senior executive of Major Projects Canberra. As the minister overseeing this space, you do not believe that that is a conflict of interest?

Mr Steel: I am not responsible for her direct employment, but I am sure that the head of the public service and the relevant manager would be looking at those issues and making sure that they are appropriately reported.

MR PARTON: Minister, are you aware of any approaches by your office or by other people in the Labor Party to members of the Racing Club board advocating for potentially accepting an alternative site should it be presented as an option?

Mr Steel: I am not aware of those discussions. We want to have a discussion with the Racing Club through the governance that is established under the MOU. I believe that the first meeting is occurring before the end of the year, so we will be having a

discussion with them through that forum. I am sure that there will be engagement through the consultation that is underway on the new draft Territory Plan and district planning strategies as well. There will be multiple opportunities for those discussions to be had with the Racing Club, but we have been very clear that they can remain on their site for as long as they want. They have put forward a master plan to make changes, and I think many of those changes have been reflected in what has been put forward in the draft district planning strategies around opportunities. I do not think that should be a surprise to anyone.

MR PARTON: Minister, at the end of the recent appropriation debate on the race funding line, the Chief Minister spoke about what he saw as the only way forward for the race club, that being along the lines of the redevelopment proposal that we have certainly discussed here. I interjected at the time about what on earth the Harness Racing Club could do, given they do not have an asset to redevelop. The Chief Minister suggested that they could co-locate at Thoroughbred Park. I know that there have been no meaningful discussions between the two clubs about that idea and that it has so many complications, many of which seem insurmountable. Given that the Chief Minister has outlined a future without any meaningful government funding, why would Thoroughbred Park compromise their only lifeline, which is the redevelopment of their land asset, by accommodating the Harness Racing Club? Why would they do that?

Mr Steel: I know that we have had those discussions because I have had them myself with the Canberra Racing Club and the Canberra Harness Racing Club.

MR PARTON: I spoke to them this morning, Minister, and they told me that no meaningful discussion has gone on.

Mr Steel: They have a new CEO. We have certainly had those discussions about what the opportunities might be. Obviously, there will need to be a lot of further discussion around that potential opportunity. No decision has been made about that. That is a discussion for them to have about what is in the best interests of their own clubs.

We know from our discussions with the Harness Racing Club that there are conflicts that do occur in relation to other events at Exhibition Park, which do impact on their scheduling of race meets. That is something that could potentially be resolved through relocation of those race meets to Canberra Racing Club, if that was to occur. That is why I think it is useful to explore. Again, there are early-stage discussions about what those opportunities might be.

Obviously, there is a significant amount of master planning work that is occurring in Exhibition Park as well. It is a great opportunity to have those discussions about planning for both the Canberra Racing Club site, Thoroughbred Park, and what is occurring at the same time at EPIC, to make sure that we can harmonise the range of different uses at Exhibition Park and the Canberra Racing Club in their future plans, where they are looking at changing significantly the uses on their site, and upgrading facilities, which could potentially benefit both clubs, many of which are similar types of facilities where efficiencies could be gained potentially through relocation.

MR PARTON: Minister, if no arrangement can be made between the two clubs, if no

arrangement can be made between the Harness Racing Club and Thoroughbred Park, the Racing Club, does that mean that government would, effectively, be ending harness racing in the ACT, particularly if the MOU winds down and there is no funding, as has been flagged by the Chief Minister in this place in a recent appropriation debate?

Mr Steel: We have provided funding through the MOU.

MR PARTON: You have, but with a very clear indication—

Mr Steel: You are just speculating again about—

MR PARTON: I am not speculating; the Chief Minister is speculating.

Mr Steel: We are having the discussions, through the MOU, with both clubs about the future of the industry. That relates to issues around workers compensation, and it is about talking about their master plan and the opportunity for financial self-sufficiency. We will be having those conversations with both clubs, in addition to animal welfare issues and a whole range of different things, whilst they continue to be funded by the ACT government through the MOU.

MR PARTON: Minister, you have indicated in your answer that I am speculating about the ending of the MOU, but in your answer, you talked about the move to full financial sustainability from the clubs, which would signal an end to the MOU.

Mr Steel: No, I did not say “full financial”. I said “financial self-sufficiency”—and what those longer-term opportunities are. Of course, that would be a great outcome for the clubs if they could, through their work and their plans that they have put forward to government, which we will need to consider, have additional revenue streams to support their industry.

MR PARTON: Just in closing on that line of questioning, then, Minister, is it your understanding, as the Minister responsible for racing, that there is any club in any other jurisdiction in Australia that has, as you have described it, “full financial—

Mr Steel: I did not say that.

MR PARTON: No, I am asking you if you are aware of any club in any jurisdiction in Australia that has full financial self-sufficiency?

Mr Steel: I did not say “full financial self-sufficiency”.

THE CHAIR: We will close that line of questioning now.

DR PATERSON: Minister, in your role as Special Minister of State, what do you see the priority is going forward?

Mr Steel: Clearly, cybersecurity is a major one, and the threat landscape there is growing. We have seen that through recent research that has been conducted showing a very steep increase in the number of cyber incidents and attacks that have been

occurring. We have not been immune from that—in terms of what has happened with Legal Aid just over the last week or so.

We can expect those attacks to continue to grow in the future, and that is something we are very mindful of and have, for some time, been preparing for—making additional investments in cyber capability, maturity and hardening of systems for a period of time. We will need to continue to remain vigilant. I might hand over to Richard Glenn to talk a little bit about what we are seeing and how we are preparing and making sure that we are dealing with those risks.

THE CHAIR: Minister, can I just say that we are here for two policy areas, electoral policy and racing policy, so we—

Mr Steel: This portfolio responsibility also includes cyber.

Mr Glenn: I acknowledge the privilege statement. Dr Paterson, there are a range of domains in which the ACT public service is working in order to improve and maintain our cybersecurity posture. One of those goes to the hardening of systems and continued work around what is described as “the essential eight”, which are the measures that are described by the Australian Cyber Security Centre and federal government as being the things that anyone who has a system ought to have in place to be able to protect that system from outside attack. That is an evolving area because as the threat environment changes, some of those settings that are needed change, so that is a body of work that is ongoing.

Equally, there is work going on around the protective security framework for the ACT, which goes partly to cyber but also goes to people. It goes to how we make sure we have the right people dealing with sensitive information and how we protect vulnerabilities in that information by being able to assure ourselves that we do not have individual security risks as a result of the people who are engaging in particular activities.

Then there is another set of work which really goes to information holdings. We can make ourselves secure on the outside. We can make sure our people are as they should be in engaging with our sensitive information. Then, we can also review what it is that we hold and what makes us attractive to external actors for cybersecurity purposes, and that goes to privacy settings and records management settings that mean we do not keep sensitive information longer than we need to. That is a body of work that is going on right now. Across those domains, that is really where we are trying to maintain and step up to the next level around the cyber threat.

DR PATERSON: We spoke to the Legal Aid Commission yesterday and it is a very challenging situation in terms of the circumstances, the type of data that could be released and the threat to people, potentially. We spoke to the Public Trustee and Guardian as well and they, obviously, hold significant financial records and finances for people in the ACT. They all seem to use different systems—these offshoots of government. I am wondering: do we audit or have a view on all the different arms of government and the different IT protection systems that are in place?

Mr Steel: Yes, we are certainly continuing to look at that as well. Often these

organisations that are territory authorities may have separate systems in order to protect information in the first place, but that also means that there are, potentially, vulnerabilities in using systems which are different and have different protections than the ACT government systems might have. Mr Glenn mentioned the “essential eight”, so we are looking across ACT government systems at how we are meeting those essential eight and what the maturity levels are for each of the systems across government.

We are looking more closely, and I think all organisations are doing this at the moment, at what level of information we keep about citizens and whether keeping that information is actually necessary for the purposes of a citizen accessing a service. We are looking right across government about what types of information we collect. Often that is necessary and there are good reasons for that. There may be reasons particularly in some of these non-government organisations where they are keeping data for no particular reason. We also have to be mindful that some of our legislation may require not only the government organisations to keep some of that data, including for law enforcement purposes, but also the private sector. The clubs come to mind in that respect in terms of the information they may be collecting on members because of the enforced membership structure they have under the clubs legislation, but there may be a range of other contexts. We are looking at that a little bit more closely at the moment.

The development of a trusted digital identity framework might be an opportunity for both government and agencies, and non-government agencies, to utilise a trusted digital identity as a way of not needing to collect some of that citizen information—so that they, effectively, only have to login using that system, rather than providing the actual credentials about themselves to an organisation to be able to access a service. We are having a look across the board.

THE CHAIR: I am getting some advice from the secretariat that we have on the publicly listed calendar gaming policy and electoral policy for this session—

MR PARTON: Racing policy.

THE CHAIR: Racing policy and electoral policy—so I am not sure that this is the appropriate line of questioning.

Mr Steel: Well, the administrative arrangements are very clear about my responsibilities in relation to Special Minister of State and the Justice and Community Services Directorate. It includes this.

DR PATERSON: We’ve always asked him these questions in this session.

THE CHAIR: The calendar is not aligning, but I do note the agenda does include these functions, so perhaps we could be mindful of the time.

DR PATERSON: Given what has happened with Optus and what is unravelling with Medicare, which is now very concerning, are we identifying traits of these hacks or are there gaps in these companies that we can target here in the ACT, and are you working with your federal colleagues to identify these issues?

Mr Steel: Yes. JACS officials are working very closely with the federal agencies in this regard.

Mr Glenn: Indeed, thank you, Minister. Yes, and at two levels. In relation to Legal Aid, in particular, we are working very closely with the Australian Federal Police and ACT Policing. There is continued engagement with the Australian Cyber Security Centre, and that allows us to learn things about the particular incidents that we have been involved in, but also what the environment tells us—what do we know about the threat actors that are out there and how does that then inform the actions we take? That is a continuing discussion amongst all governments with the commonwealth.

MR BRADDOCK: How do you ensure the cybersecurity for the electoral results in terms of the systems utilised by Elections ACT?

Mr Steel: I think we are working with them as well.

Mr Glenn: I wonder if Mr Ng has an indication?

Mr Ng: Thanks, Mr Braddock for the question. I think that, perhaps, the Electoral Commission might be better placed to respond to your question than I.

MR BRADDOCK: So there is no role for policy in this space?

Mr Ng: The Electoral Commission is responsible for the administration—*Interruption in sound recording*. They are in a position to provide some more detailed information about those matters.

Mr Glenn: Mr Braddock, the policy settings I was describing earlier around essential aid, PSPF and the other work is a whole-of-government effort, so that is the context in which particular actions would be taken by those responsible for the cybersecurity.

MR PARTON: Regarding the recent draft planning proposal that was released on Melbourne Cup Day, which I understand did not come from you and your directorate, with a plan to potentially remove Thoroughbred Park from the race club: what circumstances would see the land being taken from the race club for these purposes?

Mr Steel: I think we have been clear that they can remain there as long as they want to at Thoroughbred Park to operate horse racing. We will be having a collaborative discussion with them through processes set out in the MOU and they will, no doubt, be putting their views forward about what their preferences are through the draft planning strategy, draft of district plans and draft Territory Plan that are out for consultation. We are keen to hear from them and have that discussion and, of course, they are the ones that have been making a proposal for a change at Thoroughbred Park through their master plan—I think it reflects that as well as, potentially, other opportunities in the future. We will continue to have that discussion with them about what they would like to see at the club.

MR PARTON: Thank you, Minister, Chair and Dr Paterson.

THE CHAIR: The committee's hearing for today is now adjourned. On behalf of the committee I would like to thank the minister, statutory officers and officials who have appeared throughout the day.

If there have been questions taken on notice, please provide them to the secretariat within five working days of receipt of the uncorrected proof transcript. Members wishing to lodge questions on notice, please provide these within five working days of the hearing.

Thank you, everyone, for your attendance.

The committee adjourned at 10.15 am.