



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

SELECT COMMITTEE ON ESTIMATES 2025-2026

(Reference: [Inquiry into Appropriation Bill 2025-2026 and Appropriation
\(Office of the Legislative Assembly\) Bill 2025-2026](#))

Members:

MR E COCKS (Chair)
MR S RATTENBURY (Deputy Chair)
MS F CARRICK
MS C TOUGH

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 30 JULY 2025

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

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Amended 20 May 2013

The committee met at 9.01 am.

Appearances:

Cultural Facilities Corporation

Trinca, Dr Mathew, Chair, Cultural Facilities Corporation Board

Ramsay, Mr Gordon, Chief Executive Officer

Lu, Ms Sharon, Chief Finance Officer

Budd, Mr Alex, Director, Canberra Theatre Centre

Wong, Dr Anna, Director, Galleries, Museums & Heritage

THE CHAIR: Good morning and welcome to the public hearings of the Select Committee on Estimates 2025-2026 for its Inquiry into Appropriation Bill 2025-2026 and Appropriation (Office of the Legislative Assembly) Bill 2025-026.

The committee will today hear from the Cultural Facilities Corporation, the Solicitor-General for the ACT, the Official Visitors' Board, the Office of the Director of Public Prosecutions, Ms Tara Cheyne MLA, the Attorney-General and Minister for Human Rights and Dr Marisa Paterson MLA, in her capacity as the Minister for Gaming Reform and as the Minister for Police, Fire and Emergency Services.

The committee wishes to acknowledge the traditional custodians of the land we are meeting on, the Ngunnawal people. 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 other Aboriginal and Torres Strait Islander people who may be attending today's event.

This hearing is a legal proceeding of the Assembly and has the same standing as proceedings of the Assembly itself. Therefore, today's evidence attracts parliamentary privilege. The giving of false or misleading evidence is a serious matter and may be regarded as contempt of the Assembly. The hearing is 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 question on notice." This will help the committee and witnesses to confirm questions taken on notice from the transcript.

We welcome officials from the Cultural Facilities Corporation. Please note that as witnesses you are protected by parliamentary privilege and bound by its obligations. You must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly.

As we are not inviting opening statements, we will proceed to questions. The accountability indicators in the Cultural Facilities Corporation statement of intent, when looking at page 184 table 4, states the estimated number of visitors to venues managed by the corporation are anticipated to decline by 13,000 in 2025-26 compared to the estimated outcome for the last financial year. The accountability indicators descriptions comment on the uncertainty around infrastructure projects reducing the corporation's ability to attract patrons and plan for the future. What is the corporation's view on this?

Mr Ramsay: Thank you, Chair. There is a range of matters. We are really pleased that

over the last couple of years our visitor stats have been very high and actually exceeded the targets each time. So as you note, the target that was set was for 360,000 and what we anticipated achieving was 432,000. The actuals that we achieved were 430,000, so we were really pleased with that. That 430,000 is obviously comprised of people attending the Canberra Theatre Centre, the CMAG and the Nolan Collection and the ACT Historic Places.

There is a range of matters that go to the excellent results that we have achieved, not only this past 12 months but the 12 months before, which has meant that we have exceeded the target quite substantially. In doing that, we have to take into consideration what the circumstances are around each one. There is a range of circumstances and situations that affect how it is that we set the target. The target that we have set for 2025-26 is significantly above the target for 2024-25. So we are anticipating things going very strongly again, with 419,000 people. In a city of around about 450,000 people, that means that effectively everyone across the ACT is visiting one or another of our sites, which we think is an outstanding achievement.

There are certainly levels of some things that we have to build in that are uncertain. Part of that would be situations in relation to the building of the new Lyric Theatre and part of it is some capital works that we anticipate happening at Lanyon, new roadworks and matters like that. So we have to take into consideration a range of things when we are setting the targets for each year, and we do not think it is helpful for us to set unrealistic targets. At the same time, the 419,000 target that we have for 2025-26 we believe is continuing to grow and continuing to stretch us in what it is that we achieve, noting that over the last couple of years we have exceeded our targets quite significantly.

THE CHAIR: Just to be clear, that target, are you expecting a drop in numbers?

Mr Ramsay: So what we have done is we have looked at the—

THE CHAIR: Just compared with the actuals.

Mr Ramsay: With the actuals, what it is that we set as our target is a number that we believe is a realistic target when you consider a range of matters. I will ask Mr Budd in a moment to talk about the uncertainty that sits just in relation to theatre generally, let alone things that are happening in the space that might be impacted by construction with the new Lyric Theatre. We do not think it is helpful for us to set a target that is beyond expectations. We believe that it is appropriate at all stages to set—we work very hard with the board, with our senior leadership team, and our teams right across the organisation to balance the uncertainties that sit in terms of the performing arts, in terms of matters around construction, around capital works—all of those things can have an impact. Mr Budd, do you want to flesh out a little bit more about the—

THE CHAIR: Just to quickly clarify: it sounds like you are saying that you have grown the target but that it may sit below what the actuals trend has been?

Mr Ramsay: That is right. So what is in there at the moment is a target of 419, noting that our actuals were 430, which in the great scheme of things is around about the same. That is a target that is substantially more than the target for the previous year, which was 360,000.

Mr Budd: Look, I do not think there is much more to add to Mr Ramsay's comments other than in general, the attendance at live performance has remained less predictable than it was prior to the pandemic, so we try to take a cautious approach with setting these targets. We had some fabulous wins in the past financial year, both with the production of *Chicago* which was our highest grossing production ever at the theatre.

We held our inaugural Children's Festival in January where more than 21,000 people attended. It also heralded the return of the children's show *Bluey* with exceedingly great numbers within that 21,000 people. They were two great productions that helped influence some of the great results from last year. You cannot always count on them landing exactly where you need them, you know, just before setting an estimated outcome in the budget papers.

THE CHAIR: Are you able to provide, maybe on notice, a list of—you have mentioned two projects that may be influencing around the Lyric Theatre and so on—can you provide a full list of projects that might be of concern?

Mr Ramsay: As I say, the appropriation also talks about matters in the infrastructure program, the capital works injections. They are effectively the ones that we are looking at, other than obviously the new Lyric Theatre itself, and that is under the oversight of Infrastructure Canberra.

The injections that are going into the capital works at Lanyon is one of the key things that we will be looking at, and we had to take into consideration what might be the case as the road is redone there. There is the works out at Mugga Mugga. So the capital works that are already in the budget papers are the ones that we had to consider, including also the works that—we are hoping that they will not impact us in terms of the operations—but there is a capital injection that relates to some capital works at the Canberra Theatre Centre, the existing buildings themselves, such as roof repairs.

We just have to make sure that as we are managing all of our capital works we are doing so in a way that can continue to enable people to participate. We did have some disruption in recent months with some capital works in the Canberra Museum and Gallery. So that had some impact on us when we were putting in accessibility doors, the sliding doors, into gallery three. All of those matters are—

THE CHAIR: Just given timing, I might try and move this on, but would you maybe be able to take on notice and provide a comprehensive list of those projects?

Mr Ramsay: Certainly.

MS CLAY: Mr Ramsay, I am interested in how the CFC integrates with the local art scene, and just wondering if you have given any consideration to building a local crew and local skills and capacity for Canberra Theatre travelling shows?

Mr Ramsay: I will hand to Mr Budd for that one, but as general introduction, one of the key things that we have a very strong focus on in the Cultural Facilities Corporation, not just in theatre but also in galleries, museums and heritage, is the fostering and support of local arts and local artists. We have a range of ways of being able to develop

pathways to employment as well as fostering the arts themselves. Mr Budd, I think, is probably well placed to be able to talk about some of the things, not all of the things today, but yes, some of the great ways of doing that.

Mr Budd: Yes, our new works program, which we initiated during the pandemic, last year engaged 214 local artists across all of its activities. Forty-eight artists have been paid through the new works program; a total of 15 works have been supported through development and presentation in that program; and 85 per cent of our budget that we spend in new works is spent directly on local and local-associated artists. To the second part of your question regarding travelling productions from the ACT, we—

MS CLAY: Travelling productions to the ACT.

Mr Budd: You meant productions to the ACT?

MS CLAY: Yes, travelling productions to the ACT and whether there is any pipeline or integration for the technical skills and the crew working there?

Mr Budd: We are the biggest employer of technical and front-of-house staff in the territory. We continue our relationship with CIT in offering a cert 4 production course which has really borne a lot of fruit in the last 12 months in people coming from that course and ending up working on our stage.

We have seen a number of our staff move on from working with us on to touring shows, but we are certainly—there is not a formal program at the moment. However, it is something we are looking at closely in the work that we know we need to do over the next few years as we build towards this next Lyric Theatre, to raise the capacity of our staff and to have them have experience in other venues outside of Canberra.

MS CLAY: That is great. You rattled off some numbers there and I did not quite keep up with all of them. You employ 214 artists but 48 of them were paid? Did I hear that right?

Mr Budd: I would actually like to take that on notice and come back to you because when I was reading the notes to you I thought “that sounds a little odd.” I will clarify exactly what that is.

MS CLAY: Can you clarify all those numbers you read—how many artists you engaged in the Canberra Theatre I think, and how many were paid, and you also rattled off a percentage of local talent involved in the shows. Take that on notice. That would be fantastic. Similarly, I am interested in the exhibitions for CFC—CMAG—there are a lot of exhibition spaces that you have—and what level of local arts we have involved in that.

Dr Wong: Thank you for that question. We are very strong supporters of Canberra-based artists and also artists with a connection with Canberra who, perhaps, have moved on to international practices. So, for example, in our *Canberra/Kamberri* exhibition, which won a national award two years ago, in that exhibition alone we supported close to 50 artists.

In our recent exhibition program from the previous financial year, we had a wonderful exhibition about Hiroe Swen and her husband, and that was a wonderful retrospective to really celebrate a long-standing artist who really established the ceramics field in this region. Hiroe has just moved back to Japan. So it was her last major exhibition in Australia and we were so privileged to have the opportunity to show her work.

We had *Materiality...but not as you know it* last year as well, and that was all about the celebration of innovative Canberra-based artists too. Then we have our fantastic Open Collection Gallery at CMAG, which celebrates local collectors. We recently had NatureArt Lab which are Canberra-based artists who encourage—

MS CLAY: I went to that one.

Dr Wong: Did you? I hope you enjoyed it.

MS CLAY: It was great. It was fantastic. I might just jump in—this is excellent information but we have so many people, I do not want to dominate this session. Could you maybe take on notice how many exhibitions you have and what proportion have local artists in them, and if you have any local targets for anything that you are striving to achieve. Is that some information you could bring back on notice?

Mr Ramsay: We are happy to take on notice and provide what we have for that, yes.

MS CARRICK: Obviously my question is going to be about culture in the electorate of Murrumbidgee and I appreciate that Albert Hall is in the electorate and has come into your portfolio. Basically, I want to talk about the CIT and the opportunities there for bringing street theatre, visual and performing arts because we have cultural creative programs at the new CIT in Woden, and what opportunities there are for CMAG to help develop that program into something that is facing the community and like a street theatre, to bring a vibe, you know, culture and a vibe.

Mr Ramsay: A range of the matters that you are referring to probably sit as much in artsACT in terms of thinking art policy and arts organisations across the ACT, given that our responsibilities sit with the designated locations under the CFC Act. As you say, Albert Hall is now within our portfolio, and we are really pleased that Albert Hall is the first addition to the CFC's suite of portfolios in over 20 years, the first one since Mugga Mugga in 2004.

We are now really looking forward to the ways that that increased activation of Albert Hall—we think bringing that into the Cultural Facilities Corporation is great because it manages to bring the heritage expertise we have, the venue management that we have, and the chance to be able to look at how it is that we might be able to have arts and cultural activities as well as community activities there. It is really the intersection of all of those possibilities for us, noting that there is some roof works that will be happening in the first part of 2026 from a storm that took place a few years back, so that will mean that Albert Hall will be closed for a few months from January 2026.

But at the moment we are really looking forward to seeing how it is that we can increase the activation, increase the community involvement and, as part of that, see what it is that might be able to occur in terms of performing arts. We know that the Canberra

Symphony Orchestra and National Opera, for example, are great users of Albert Hall. We think that that can be fostered through a number of community orchestras, and other groups use that as well. We think that there is a good potential for us, now that that particular site is within our responsibilities as well, to see how it is that we can activate that further.

MS CARRICK: Yes, I appreciate Albert Hall is terrific, but I am really thinking about the vibe on the streets of our town centres and how culture can enhance that. So being an ACT government enterprise whose objective is to be a cultural leader and that the government's policy is to create amazing art and culture everywhere for everyone, do you have any advisory role to the government that suggests where facilities might be to implement their policy?

Mr Ramsay: The advisory role in the area of arts is the responsibility of artsACT. They are the policy and advisory body to the ACT government. Our responsibilities sit under the Cultural Facilities Corporation Act and are specifically about the management of particular venues for cultural activities, and those venues are the designated locations under the act. So we work very well with artsACT, obviously, but in terms of arts advice to the government as to where facilities might be, activations, street activations, community activities, those sorts of things all sit within the responsibility of artsACT.

MS TOUGH: I am interested in historic places. The CFC operates currently the three historic places Calthorpes, Mugga Mugga and Lanyon, which is—not to be biased—my favourite. How does the CFC go about promoting these three sites, and what kind of activities are undertaken to encourage the community to visit and engage, just because they are not always where people can necessarily see them and are aware of them.

Dr Wong: We are so pleased with the level of visitation and participation to all our historic places. Each of the sites offer different experiences and that is something we are very keen to promote. Lanyon Homestead is our largest historic site and offers, I guess, the greatest opportunity for the numbers of people that we can actually provide access to. We have been able to develop some wonderful signature events at Lanyon. For example, Harvest Day Out, which was actually developed during COVID as a way of bringing people back to our historic places when we had very strict visitation controls, and that has grown into a major annual event now. We started off with about 800 people. We are now at 3,000 and we have people actively contacting us about that. What is wonderful about events like that is we know where people are coming from. So we know that a lot of visitors to those major events are from the Tuggeranong area and also other parts of Canberra, but also from interstate, which is a fantastic reflection on the quality of programming that we do.

We also work with other arts organisations like the Canberra Symphony Orchestra, where we launched Live at Lanyon two years ago. Again, that has been a very successful event in attracting a different type of audience to our wonderful heritage places. It is targeted at families and young couples on their first date. Again, about 50 per cent are first-time visitors to our historic places for those major events. So we are really proud of the range of programming that we do to attract different audiences, as well.

We are about to enter our Floriade period and Lanyon, as an example, is an official Floriade site for the third year and we will have a range of wonderful programming there. We also have a fantastic range of education programs across all our sites, including CMAG, and we often struggle to meet the demand with the number of school bookings. So we have a very active program for both the public in education and attracting visitation.

MS TOUGH: Wonderful.

Mr Ramsay: Ms Tough, can I just say that as part of that, Dr Wong was talking about first-time visitors. In the last 12 months 55 per cent of people who are visiting the ACT Historic Places were first-time visitors. I think one of the important things that we have been looking to do, is not just bring people back again—which is lovely to do—but actually continue to expand the audience. I think that 55 per cent has been a really significant achievement, a remarkable achievement for the team to have done.

MS TOUGH: Yes, that is great. From that 55 per cent, is there any way of knowing who then becomes maybe a regular visitor or someone might visit Lanyon for the first time and then go, “I might check out one of the other sites.” Once they have been brought in, do they start engaging more broadly?

Dr Wong: I guess we can see that in our visitation numbers. Overall our visitation numbers to all our museum and galleries have increased. We actually had the highest level of attendance last year at about 162,000, which is the highest for over 10 years, and we have continued that trend for this financial year as well. So what we are seeing in those type of statistics is that we are not only attracting new visitors but we are maintaining our existing and loyal visitors, and that is a wonderful story to tell about the quality of what we are doing.

Mr Ramsay: One of the other things specifically in relation to this year’s budget is the investment from the ACT government into having a CMAG exhibition presence at Lanyon itself. Again, that is another of the ways of being able to think through, given our suite of building portfolios and venue sites, how it is that we can make those connections. Lanyon is a great one now, not only having the live performance such as the Canberra Symphony Orchestra that Dr Wong referred to but also the visual arts presence through the injection of funds that the ACT government has established.

MR EMERSON: I have a question about the corporation’s involvement in night-time economy activation. What is the extent of your engagement with the night-time economy minister and/or her office?

Mr Ramsay: Our responsibility is directly through to the minister for the arts, Minister Pettersson and, as appropriate, across government. We work across government well, in terms of the economic development part of the Chief Minister, Treasury and Economic Development Directorate. In terms of relationships with other ministerial offices, it is appropriate at all stages for us to work through our minister, and across in that way. As a statutory corporation, we are very pleased to be working regularly on how we can continue to grow the night-time economy, and how we can grow the economy of the ACT. Specifically, Mr Budd can refer to how things have gone with the Canberra Theatre.

Mr Budd: Certainly. Last year we surveyed all the Canberra Theatre patrons. Obviously, most of our performances happen at night in the city. The total estimated expenditure, on top of the turnover through the theatre itself, was \$18.5 million last year, which is a huge return on investment. It is roughly double what people spend on tickets. Because of the closeness of our business to the Legislative Assembly, I see members of staff of the night-time economy minister regularly. It is well known that the theatre has this big contribution, outside just our business.

MR EMERSON: Of course. Do you engage at all with the Better Regulation Taskforce? Have they sought to engage with you? They are leading the night-time economy work within government.

Mr Ramsay: Yes, we have had conversations with them as well—again, primarily through the work of the Chief Minister, Treasury and Economic Development Directorate. We are one of the organisations that they have engaged with—and, I anticipate, will continue to engage with in the future—about how we can continue to make sure this is a great city.

MR EMERSON: Is there anything that you do to engage directly with nearby venues, and to have conversations? Night-time economy experts such as Anna Edwards talk about the importance of creating precincts. That involves collaboration between various venues.

Mr Budd: Absolutely.

MR EMERSON: What is the extent of that? Does that work sit somewhere else? I am curious about that engagement.

Mr Budd: Our marketing team has relationships with many restaurants around town. There is a lot of thinking about how we assist the broader economy of Civic, with the 250,000-odd people we are bringing in to the theatre each year. We are also doing a lot of work with car park operators across the city. We are very conscious of our customer satisfaction levels staying as high as possible, through the amazing development that is going on in the city at the moment, and which will continue through our lyric theatre development. We are seeing the results of that in our patron surveys. The results are higher this year than they have been in many previous years. We are seeing our audiences engage.

One other part of this is that, of the 250-odd thousand people we bring in each year, 30,000 of them are coming from interstate. This is “heads on beds” from interstate. So there are lots of relationships with hotels as well.

MR EMERSON: Finally, on this intergovernmental stuff, do the City Renewal Authority come to you and say, “We know there are some major events coming up. Is there any way that we can help activate the city more broadly courtesy of those events?”

Mr Budd: There are a few different ways that we engage. We engage with the City Renewal Authority in a very broad range of ways. Sometimes it is with event planning; sometimes it is with matters around the activation of Civic Square. We have been able

to do a range of things in that space over the last couple of years. I am the chair—the CEO of the City Renewal Authority is the deputy chair—of a cross-governmental group that is looking at how the cultural district is able to be enhanced. We are working both formally and informally in a range of ways as to how the arts and culture are able to be enhanced in the city. Obviously, given the significant body of our sites that are in the city, on one side or the other of Civic Square, and the work with the City Renewal Authority, we have a very warm, very active relationship with them.

MS CLAY: I have a similar question in the arts and entertainment space. We have a lot of different venues in Canberra now, that are entertainment arts facilities. Canberra Theatre is the largest, of course, and we have the lyric coming on. We have had a newly announced convention and entertainment centre. We have quite a number of existing smaller stages and venues around. Have you done any mapping work or strategic work about how all these spaces will connect in, including with the lyric theatre, and including with the new convention and entertainment centre?

Mr Ramsay: The primary work around the mapping of the various arts facilities across the ACT sits with artsACT rather than with us. We work in terms of our responsibilities in the activation of that space. At the same time we have very warm relations with Street, and with other arts venues. It is not so much for the mapping of it; the policy framework of how they sit together is with artsACT. We do sit with how we can work together across arts organisations. Again, if you would like a couple of examples, I am happy for us to provide those.

MS CLAY: No, that is fine. I find that quite reasonable. It would be artsACT that would put together that performing arts strategy. Do you think that performing arts strategy across all those different things already exists or is that something where you think that, if it were to be developed, artsACT would develop it?

Mr Ramsay: A performing arts strategy for the city as a whole?

MS CLAY: Yes; how all of these venues, including the ones that have been announced that are not yet here, all integrate, who the different audience segments are, and that kind of complete—

Mr Ramsay: That broader policy and strategic thinking is the responsibility of artsACT.

MS CLAY: Does that exist at the moment, or have you not seen it yet?

Mr Ramsay: A fair bit of thinking has been going on. In terms of the development of an individualised strategy, that would be a question that would sit with artsACT.

THE CHAIR: I have a question that is supplementary to both that question and Ms Carrick's question. From what you have just been describing, it sounds like a fairly siloed approach. You are saying that the work, and whether there is any policy in existence, is the responsibility of artsACT. Similarly, you were suggesting that anything outside the realm of the facilities that you currently manage is the remit of artsACT.

I had a look at the Cultural Facilities website, and it outlines the functions of the CFC

from the CFC Act. I will touch on parts of a couple. You have to “manage, develop, present, coordinate and promote cultural activities at designated locations and other places in the ACT”. There is a requirement that is about “exercising other functions given to the CFC”. Under section 7, there is a requirement for the CFC to consider “any cultural policies or priorities of the executive known to the CFC and other cultural activities in the ACT”.

That would seem to imply that there is a broader role than just looking at the things currently under your control. Given you have said that, if it is not in your facility, it seems to be someone else’s problem to look at, how do you take into account all those other things? Why is it that you cannot tell us whether you are aware of any policy in existence that would be directly relevant to your functions?

Mr Ramsay: Let me start with the first part, which was the observation potentially of a siloed approach. If I gave the impression of there being a siloed or disconnected approach, I apologise, because that is certainly not the intention. We work very closely with other arts organisations, with independent arts organisations and with artsACT. It has been a very deliberate focus over the past three years for us to move away from silos, both internally in the CFC and beyond the CFC.

At the same time, obviously, we are mindful of the responsibilities that we have under the CFC Act, as it currently exists. Yes, there are designated locations and other locations or sites. That is a broader umbrella, so that we are able to do some work, but at the same time the work in relation to broader community-based arts activities is clearly the responsibility of artsACT and arts organisations such as the Belconnen Arts Centre, Tuggeranong Arts Centre and the Street Theatre. We work closely and collaborate with them, but it is not our intention to tread into their spaces.

You drew to the committee’s attention the part of the act that says, “Yes, we need to be mindful of the wider government policies.” We certainly are, and that has been part of that enhancing of the arts experiences across Canberra. One of the things over recent years has been how we may be able to foster, grow and develop the ACT as part of its role as the nation’s capital, the arts capital. One of the things we have is the Arts, Culture and Creative Policy. It is the responsibility of artsACT to develop this policy. If you look at the high list of deliverables under there, we have a responsibility for about half of the deliverables under that arts program and plan.

That is one of the ways that we are clearly working alongside the policy and funding arm of government to make sure that we can foster and grow the arts. It is a “both and”; at the same time we are also mindful that the resources that we have under our appropriation and the act clearly focus us on delivering the arts, culture, social history and heritage experiences within those areas for which we have primary responsibility.

MS CARRICK: It has been known for many years that Woden needs cultural facilities. In fact, we had a public meeting in 2017 or 2018 which you attended, with Sam Tyler. This was the issue. I remember Gina Pinkas saying, “We know what we want. We want an arts centre.” I do not know whether you remember that. We have been asking for this for a long time. When you liaise with artsACT and the government, does anybody ever bring up the lack of cultural facilities in the Woden town centre? Does anyone care? Does anyone bring it up?

Mr Ramsay: The conversations that we have with artsACT are in relation to the policy matters that are impacting on our work. In terms of artsACT's consideration or its liaison with the community in relation to what may or may not be needed in any particular location around Canberra, that is a government policy decision. That does not sit with the Cultural Facilities Corporation. I would encourage you to ask that question of artsACT.

THE CHAIR: On behalf of the committee, I thank you for your attendance today. If you have taken any questions or notice, please provide your answers to the committee secretary within five business days of receiving the uncorrected proof *Hansard*.

Appearance:

Office of the Solicitor-General for the ACT

Garrison, Mr Peter AM SC, Solicitor-General for the ACT

THE CHAIR: We welcome the Solicitor-General for the ACT, Mr Peter Garrison AM SC. Please note that, as a witness, you are protected by parliamentary privilege and bound by its obligations. You must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly.

As we are not inviting opening statements, we will proceed directly to questions. I will go straight to the budget papers. Page 3 of budget statements D outlines that the 2025-26 budget provided more support to the ACT Government Solicitor's Office. We have seen in other areas of the budget that the extra funding being provided does not actually provide everything that is needed. Is the budget that you have been provided with sufficient to meet all of the current requirements?

Mr Garrison: I have read the privilege statement and I understand it. Every agency would like more funding to discharge their roles. One of my functions, in addition to being Solicitor-General, is performing the functions of Chief Solicitor that manages the Office of the ACT Government Solicitor. The funding model for my office is complex and has evolved over a period of over 20 years, so that the controlled recurrent payments do not meet the cost of the legal services that the territory requires. It has reached a point where a bit over half of the cost of running the office actually comes from cost recovery from a range of agencies.

This can be for a number of reasons. The agency can be a commercial agency—the Insurance Authority, for example, which is the principal provider of external funding to us. It can be a particular project which requires dedicated or particular resources. It can also arise because we need to dedicate resources for a particular project. There is also then our increasing model for the out-posting of our lawyers to agencies, which is also done on a cost recovery basis.

In terms of cost recovery, we received \$14.9 million from our client agencies in the last financial year, which was an increase on the preceding year. Over \$10 million of that was from ACTIA, so there is a clear indication as to where the funding comes from. A bit over \$3 million was the cost that we recovered for the out-posting of our lawyers.

In that context, the CRP funding, which was a bit over \$14½ million in the budget last year, provides for what I call the core services. You may be aware that, in a range of jurisdictions, there is always an argument about what are core legal services and what are not. The territory is in a fortunate position where my office is the principal legal service provider for all services, and we also manage the outsourcing of legal services—I can provide you with a bit more information in relation to that, if that would be helpful—which goes to the total cost for legal services.

THE CHAIR: On page 3 of budget paper D, it refers to providing support to the ACT Government Solicitor by establishing a regulatory prosecution capability function. That is one of the areas that I am a bit concerned about. I am trying to work out how this is actually going to work. Are you able to explain what that function is and what it will do?

Mr Garrison: As you may be aware, Chair, it all arose rather quickly. After discussions with government, it was determined that my office would undertake the regulatory prosecutions hereafter. It does not include the WorkSafe prosecutions that the DPP is currently undertaking. However—we perhaps would say unexpectedly—it had been our understanding that the DPP was to continue with all existing matters that it had up to 30 June. That is no longer the case. We now have inherited the totality of the regulatory prosecution function, which, as at, I think, yesterday, totalled 143 matters in various stages.

Some of it is legal advice, some of it is matters that are just listed for mention at the moment, and others are listed for hearing over the next few months. The majority of them are infringement notice matters, so it can be reasonably expected that a lot of them will resolve—traffic infringement type notices. But there is a range of other activity involving various regulatory agencies. I refer to RSPCA, the Electoral Commissioner, who has promised a volume of work for us in the next little while in relation to the outcomes of the last election, and building regulation prosecutions and penalties. It is quite a broad range.

At the time that we had discussions about the budget proposal which led to the initiative, there was a significant amount of uncertainty about what it would actually take to do it. We did not have particularly good data in relation to where it was standing at that point. On the basis of the initiative, it is now fully staffed. I have three lawyers of varying seniority, and a support person. That is not to say that they are the only ones that will be assisting or doing the work because, of course, my general resources are always available to assist in relation to particular matters.

We have had very productive discussions with the AFP in relation to accessing information. We already have very good relationships with territory agencies that will be instructing us; and, together with discussions that we will be having with the Magistrates Court, we are hoping to be able to achieve a level of efficiency in relation to the way the matters are handled and how we can address them, because we can provide advice at the starting point which can, hopefully, ameliorate the need for prosecutions or other matters to follow.

THE CHAIR: Is the function fully set up now?

Mr Garrison: I would like to think it is. We still have a lot of work to do. There is a dearth of some basic material—forms, precedents and things like that. The lawyers that I have working in the matter are former prosecutors, so they are very familiar with the jurisdiction and with the way it works. We are continuing to work through it. The discussion that I had with government was, in effect, “Let’s see how it goes over the next few months.” We will be doing a review over the course of the next six months to see where we have landed, to see whether the resourcing is adequate, and what else might be required. That will be the subject of further discussions at that point.

THE CHAIR: Do you have a total cost of what it has and will cost to establish the function within your office, and how much it will cost on an ongoing basis to run the function?

Mr Garrison: I was funded for the staff that were there. I cannot think what it was now. I do have that note here somewhere. The budget initiative that is in the papers comprised two elements. One was in relation to the regulatory prosecutions and the other was in relation to human rights litigation. The initiative in relation to human rights litigation was effectively a continuation of existing funding that had been previously appropriated. I apologise, Chair; I had deliberately extracted the figures for that. I will provide that information to you as soon as I can locate it.

THE CHAIR: You will take it on notice?

Mr Garrison: It was the cost of the staffing for the four staff.

THE CHAIR: I am curious as to what the cost of establishing it, outside that ongoing running cost, might be as well.

Mr Garrison: The cost is about \$800,000 for the four staff for a year. That costing, as part of the budget process, includes on-costs as well. It includes—

THE CHAIR: That included that set-up stage?

Mr Garrison: Yes. The set-up is inherent in that funding because the staff that I have engaged to undertake this function are existing lawyers from my office. Until the matters get up to speed, they have some capacity to work on the forms, the precedents and the other documents. It is situated within my office, so there are no fit-out costs or anything else that is attributed to that.

THE CHAIR: You referred to existing lawyers from your office; will more people be recruited to fill the roles that they were undertaking previously?

Mr Garrison: Yes, and that is the intention of the funding. I wanted to use experienced lawyers from my office to discharge that function. Of course, that means there is then work that they were doing that they will not be doing anymore, so the funding will fund the backfilling, if you will. But it is the cost of that function.

MR RATTENBURY: Mr Garrison, obviously, I acknowledge the considerable capability of your office, but this is an intriguing policy decision, in the sense that the Director of Public Prosecutions took a public stance and said, ‘I can’t do these things anymore. I don’t have enough capability. I need more capability.’ Rather than fund the DPP, we have now set up a new capability in your office. Are you able to comment on the rationale for that decision, or should I ask the Attorney-General this afternoon?

Mr Garrison: There were obviously policy decisions taken by government as to how it was to progress. The government, I believe, took advice about what options were available to it, and I drew the appropriate straw to be the repository of regulatory prosecutions.

Without dwelling too much on history, it had always been my view that there was a proper place for a regulatory prosecution function outside the DPP, only by virtue of the nature of a lot of what it does. If you look at prosecutions for some of the more technical areas of regulation, gambling, for example, is an area upon which my office

gives advice on a regular basis, so we are very familiar with the legislative framework, together with a range of the other areas that are the possible subject of prosecutions. It fits relatively neatly as a complement to, certainly in some areas, the advice that we are already giving.

MR RATTENBURY: This points to a view that it specialises the DPP into being purely a criminal prosecution agency.

Mr Garrison: That is probably a matter best directed to the DPP.

MR RATTENBURY: Yes, certainly. I am drawing out your understanding of the circumstances.

Mr Garrison: Again, without trying to put words in the mouth of my colleague the director, the system of prosecutions in the ACT is, of course, different to just about every other jurisdiction, in terms of the range and scope of prosecutions that the office of the DPP has to undertake. In other jurisdictions, for example, a lot of the summary prosecution work is done by police prosecutors. That means there is a lot of work that the DPP has to do that, in other jurisdictions, they would not.

The other aspect to the regulatory prosecution function resting with my office is that it is not uncommon. For example, in the states and in the Northern Territory, where you have a range of local councils, those councils are often responsible for local regulatory work—dogs, trees, and all sorts of things like that. It is a relatively neat fit. And the work is often done by private law firms, or local councils have their own people who attend to address these issues. There is no particular, fixed model for it.

I think it is fair to say that it has evolved over a period of years, and the director has obviously made a decision about where she sees her resources best allocated. The government has considered that, and we are now undertaking regulatory prosecutions.

MR RATTENBURY: Congratulations!

MR EMERSON: Just before we started talking about the regulatory prosecutions, you were going to talk about the total cost of providing legal services, including the work that is contracted out to private firms. Is this the figure in the budget papers, the \$28.3 million?

Mr Garrison: Yes, it is—

MR EMERSON: It is on page 13 of budget statements D.

Mr Garrison: The total cost of external legal expenses: that does not actually help. I can give you the figures.

MR EMERSON: That would be helpful. I have it here in output 1.2 as “legal services to government”. On page 13 of those papers, it is budgeted at \$30.6 million in the coming financial year. Does that include the external representation as well?

Mr Garrison: What page is that?

MR EMERSON: Thirteen.

Mr Garrison: No, that is the cost of my office. It is some of the cost associated with the territorial legal expense. The breakdown of it is that there are controlled recurrent payments of \$14.5 million; then we have our cost recovery of \$15 million, and that gets you to the \$28 million figure. There are also external legal services that are engaged by agencies. I do not think I have the exact figure, but it is about \$13 million in external legal services, which is major projects and a range of other things.

We have a panel of 28 law firms that cover off a range of areas of practice. The number of outsourcings that are undertaken each year vary. On top of the figure that you have there, we have the territorial expenses, which is about \$9 million out of the territorial account, and that is broken down through a range of other expenses. For example, we spend about \$4½ million on counsel for a range of matters, and we have also spent about \$1½ million on separate representation. Some of the members here will be aware of the debate that has gone on in relation to the separate representation of public servants before the Integrity Commission.

The separate representation also encompasses a range of other venues and activities. For example, there were some significant expenses through the board of inquiry that was undertaken. It also involves what I could call more routine matters—paying for the cost of representation of a public servant who is before an inquest or meeting the cost of providing legal services for them to obtain a personal protection order. These are circumstances that arise on a disturbingly increasingly basis in some of our higher exposure areas, such as health, housing and the children's practice, where you find that, increasingly, staff are subjected to quite appalling conduct and they need assistance. Either we will appear for that person or we will engage an external law firm to appear for them in relation to those circumstances.

MR EMERSON: To very quickly clarify those numbers: \$4.5 million on counsel and \$1.5 million for separate representation—

Mr Garrison: Yes.

MR EMERSON: Is that part of the \$9 million territorial expenses that you mentioned, or is that on top?

Mr Garrison: Yes, that is part of that.

MR EMERSON: So \$9 million there, \$13 million or thereabouts for external legal services, plus the \$28 million—

Mr Garrison: For my office, yes.

MR EMERSON: \$28 million there. That kind of covers the spread of legal representation.

Mr Garrison: Yes.

MR EMERSON: Great. Thank you so much.

THE CHAIR: I need to clarify something you said previously. If I have got it wrong, please just let me know. I think you said that the increased amount for the human rights side of the equation was a continuation of that work from the previous—

Mr Garrison: Yes, it was.

THE CHAIR: Thank you.

MR RATTENBURY: I wanted to ask about your officers' engagement with our parliamentary statutory officers, particularly those that sit as officers of the parliament—so the Electoral Commission and the like. Under the existing government arrangements, are they expected to come to you for their legal advice, or do they seek external legal advice?

Mr Garrison: They come to me. This might be a little controversial, but their status as officers of the Assembly does not in fact impose any particular obligations or different rights or remedies. They are statutory office holders. I do have arrangements in place with some of them—for example, the Human Rights Commission. They are not an officer of the Assembly, but they will from time to time wish to intervene in legal proceedings. I would have a conflict of interest, because I will generally be appearing for the territory. So they are authorised to seek external counsel off their own bat, so to speak, in order to appear in those matters. I think that is an appropriate way of dealing with it. I give advice to the Auditor-General. I occasionally give advice to the Integrity Commission on non-contentious matters, if I can describe it that way.

MR RATTENBURY: What about the Electoral Commission?

Mr Garrison: Yes, we give a lot of advice to the Electoral Commission. We gave quite a lot of advice leading up to the last election, and the advice that is provided to the Electoral Commission will be on the instructions of the commission. Sometimes the same issue arises for government in terms of their interests, and we manage that very carefully.

MR RATTENBURY: Yes, of course. So the nature of that advice to the Electoral Commission would be interpretation of the Electoral Act?

Mr Garrison: Yes.

MR RATTENBURY: I guess that as well they have their contractual matters and the like?

Mr Garrison: Yes. They have had quite a bit of work on the contractual side. They have had a number of projects, particularly in relation to IT and some of those related issues, in the past.

But we have also given advice on issues that are of interest to the commissioner which arise, for example, in other jurisdictions. We have done a lot of advice for government in relation to provisions of the Electoral Act relating to funding. For example, we have

actually intervened in High Court proceedings for the territory in relation to some of the issues around the funding from property developers. Of course, the Electoral Commission has a keen interest in all of that as well.

MR RATTENBURY: Thank you.

MS TOUGH: You have mentioned a couple of times in passing your role in relation to the Human Rights Commission. What is your caseload in relation to breaches of the Human Rights Act?

Mr Garrisson: It led to the budget initiative that saw us get additional funding. It can fluctuate, and it also comprises a range of different elements. We give legal advice to agencies about legislation and about the effect of legislation. There are a number of claims that people make utilising the Human Rights Act. It may or may not be a valid claim, but it would be an issue.

For example, we had matters in the ACAT, where some applicants seek to rely on the Human Rights Act. I will not go into the detail of how it operates, but it is necessary for us to give evidence, for example, about: the question of construction of the law; the obligations on decision-makers as public authorities; and what I call our more routine issues.

We also have a body of litigation in the Supreme Court, which is what drove the original budget request several years ago. I could not tell you the number now, but it is about 35 or more matters. They started by seeking declarations. That is fine; you can seek a declaration in the Supreme Court as to whether a public authority has breached its obligations. But they also sought to tack on claims for damages, which we said was not available.

We have just recently had a decision of the Court of Appeal which said: "No. You cannot get damages". That requires a lot more work, still, because you have to deal with all of the existing proceedings. There were only a couple of cases that went up to have this issue tested. So we are working fairly strenuously in relation to that.

At one point we moved the litigation from one of my practice areas to my claims practice groups, because it was becoming—I will not say routine; there is nothing routine about it—but it involved relatively hardcore litigation in the Supreme Court. It was my human rights practice—citizens' rights and welfare protection—and it was just more appropriate for it to be sitting in litigation. Plus some of my human rights lawyers went down there as well.

MS TOUGH: How does this interact with the Human Rights Commission's complaints mechanism? How do they work together, if at all?

Mr Garrisson: We are yet to see how the complaints mechanism maps out. The advantage of the complaints mechanism is it means that people do not have to issue proceedings in the Supreme Court. The question is then: what remedy is obtained through that complaints mechanism.

We have not had a great exposure to that complaints mechanism itself, but, of course,

we have advised and represented a number of agencies over a number of years in relation to discrimination jurisdiction, which is similar in terms of the complaints being considered by the commission.

MS TOUGH: Actually, that leads me quite well to my next question. You talked about giving advice. How well does the ACT public service understand its obligations under the Human Rights Act?

Mr Garrison: There are agencies that are dealing with it on a regular basis, and I think they have a good understanding of it. One of the difficulties, for example, is that, under section 40B, a decision-maker has to have regard to human rights in making a decision. What does that mean? Does it mean that their reasons have to specify, “I had regard to this right, this right and this right”? That is generally not necessary because, when you look at the legislative framework in the ACT in relation to a range of areas, the rights are already effectively embedded in the legislative structure and the way it operates.

As an example, the social legislation area has its origins internationally in work that has been done over the last three or four decades, and that international work was also driven by the findings in the United Nations committees and the conclusions they reached about how these different areas should work. So it is not as if it was full grown as soon as the Human Rights Act passed; it already had a long history. It is about identifying the right, seeing how that right has been responded to and making that assessment. There is no pro forma that you can give people, saying, “This is your checklist”; it is how you make decisions.

I have a bit of a hobby horse that the Human Rights Act is not about giving people causes of action to take people off to court; it is actually about improving public administration. In the 20 years since the act has been in, you do see a significant appreciation of rights. You could ask public servants, “What does the Human Rights Act say about X,” and they will not be able to give you an answer. It is more in the way the public administration operates, the effect that it has on people and the processes that they adopt which you can then match up against the rights in the act.

MS TOUGH: That makes sense; thank you.

THE CHAIR: You again mentioned the additional funding for human rights. Is that a single year of funding at this stage—or is it ongoing?

Mr Garrison: I think it is ongoing for another three years. No; it is just for a single year. I will have to come back again.

THE CHAIR: And that is the same funding that we were talking about before?

Mr Garrison: Yes.

MS CARRICK: What part of your business is growing the fastest?

Mr Garrison: There are figures that you can look at in terms of our cost recovery and say, “Oh, there is the revenue; the total cost of the office.” But, in terms of growth, we report each year on the resources free-of-charge, which are the resources that are

nominally funded by the controller of current payments—that is, work that is not charged for. This last year, our resources free-of-charge was \$19 million—which is funded by \$14 million. It demonstrates the efficiency and the work gap. That is an increase of \$3 million on the year before. The increase in work is very much across the board. Our claims practice is extremely busy and our employment practice has gone gangbusters, to put it colloquially. So it is really quite across the board. My experience is that, the more governments want to do, the more they, unfortunately, need the lawyers, and that leads to the work that we have.

The fact that agencies are keen to have my lawyers outposted to them reflects, regrettably, on the view they take of our office. But it is also a matter of increasing the skills base within those agencies, because my lawyers are able to assist them in doing a range of things that they might otherwise send into my office. Those outposts of lawyers also serve as a conduit for instructions to come in if something needs better attention.

MS CARRICK: Thank you.

MR EMERSON: I have a question—and I can put some of the detail on notice—following on from Ms Carrick’s question. What proportion of the work of your office would pertain to defending the government against personal injury claims brought by residents—so not government employees but residents?

Mr Garrison: I did answer that on notice last year at one point for Mr Cain. First of all, that is our largest area of practice by a significant margin. I would not be able to give you the percentage just at the moment, but it covers everything from medical negligence claims, trip and falls, people injured by falling tree branches—any area of activity. There are other claims which are not handled in my claims practice but in my regulation practice. They are for things like reviews of planning decisions and reviews of other decisions all across the spectrum. So it would be fair to say that probably 60 per cent to 70 per cent of my practice is litigation focused in one way, shape or form. We have commercial disputes. The range is significant.

MS CARRICK: What about workers comp?

Mr Garrison: That is external law firms. We do not do workers compensation.

THE CHAIR: Can I just check: are you going to take on notice the specific question about the percentage of claims that are personal injury?

MR EMERSON: I can put it on notice, but if you—

Mr Garrison: No; I can take that on notice.

MR EMERSON: Brought by individuals.

Mr Garrison: Yes, claims by individuals for personal injury.

MR EMERSON: That would be great.

Mr Garrison: We do have data on that. Is it just for the last 12 months?

MR EMERSON: Yes; that would be great. Just quickly: do all the personal injury claim notification forms come to your office?

Mr Garrison: They go to the Insurance Authority and then the Insurance Authority will instruct us in relation to the matter. Sometimes we get instructions at the same time as it is sent to the Insurance Authority. Of course, there are some claims that are not addressed by the Insurance Authority by reason of, for example, the insurance arrangements and the minimum amounts before the insurance kicks in. Some agencies manage those themselves but inform us.

Unfortunately, one of the large areas of growth for us is in the historic sex abuse claims—in keeping with every jurisdiction, unfortunately. That is an increasing area of our activity as well.

MR EMERSON: Finally, when settlement of one of these claim is reached, do you track the total compensation provided?

Mr Garrison: We do not track the amounts, principally because that is met by the Insurance Authority or by the agency. We report on what is done. There were some questions on notice on this over the last few years. We would have to go back and look at each claim, because they all have different elements to them.

MR EMERSON: Thank you.

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 five business days of receiving the uncorrected proof *Hansard*.

Short suspension

ACT Official Visitors

Muir, Mr Peter, Chair, Official Visitors Board

Dulhunty, Mr Geoff, Official Visitor for Mental Health and Member of the Official Visitors Board

Dzwonnik, Mr Stefan, Executive Officer

THE CHAIR: We welcome representatives from the Official Visitors Board. Please note that, as witnesses, you are protected by parliamentary privilege and bound by its obligations. You must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. As we are not inviting opening statements, we will proceed to questions.

In your 2023-24 annual report, you noted the high rate of recidivism in the ACT and commented that the Alexander Maconochie Centre has insufficient education and employment programs and that there is also limited transitional release support. Have you matched the type and level of rehabilitation services in the AMC now and identified the most important areas where increased or improved services could be provided?

Mr Muir: We will take that question on notice.

THE CHAIR: You are not sure whether you have much—

Mr Muir: We do not have a Corrections official visitor here with us today, and we would need input from the Corrections official visitors. I would need to get their advice on that. So we will take that on notice.

MR RATTENBURY: Can I just clarify: so you have all come as members of the board?

Mr Muir: Yes.

MR RATTENBURY: As opposed to being an official visitor, although, Mr Dulhunty, you indicated you are a mental health official visitor. So we do not have the actual official visitors for homelessness or corrections?

Mr Muir: Correct.

MR RATTENBURY: Is there a reason why the official visitors did not come? Obviously, you have an important administrative and oversight function, but the substantive interest of the committee is in the work of the visitors.

Mr Muir: To be frank, this is the first time, we understand, that we have been requested to appear in estimates, and I guess we did not quite understand the committee's interest and who they would want to speak to, and so we could not bring everybody. Second, to be quite honest, we have some budget constraints, and we are looking at where we spend our money. Appearances like this do cost us money, and we have to make decisions as a board—

MR RATTENBURY: They cost money or they cost time?

Mr Muir: Money. We are paying official visitors to be here so we try to limit to what we think is relevant. It is just that we did not really understand what your interests were going to be. Traditionally, I guess, from my experiences as a New South Wales public servant, they are often around budgets and those sorts of matters. So our apologies that we do not have the right people, but it really was just our lack of understanding of what you were after.

MR RATTENBURY: It is useful to understand that at the start, so that you do not end up taking a whole lot of questions on notice that are going to get dealt with later.

Mr Muir: Yes.

THE CHAIR: We may get to that stage with a few of the questions members have anyway.

Mr Muir: We can get matters to the official visitors and get them back to you.

THE CHAIR: That is great; I appreciate that, but I think the clarity was important to get to. My question was really that you noted that rehabilitation and reintegration needed to be embedded throughout the term of imprisonment. I was very keen to understand, from the official visitor perspective, why it is not happening at AMC now. It sounds like something you will also need to take on notice?

Mr Muir: We will.

THE CHAIR: Okay; thank you.

MR RATTENBURY: I will be providing my questions on notice. Thank you.

MS CARRICK: I will ask some budget questions then. You were saying that it costs you money. How is the adequacy of your budget to do your work?

Mr Muir: That I can answer. We have received an increase this financial year in line with CPI, but there are constraints on the scheme. We have kept within our budget over the last few financial years, and that has been largely thanks to the work of my predecessor as chair and the current board. As you may be aware, official visitors are independent statutory officers. So our ability to direct them as a board is limited. But we have been working with official visitors over the last several financial years to have what we call a notional allocation for each of the disciplines, and we have asked official visitors to work with us on keeping within those notional allocations.

In doing that, we have kept within our budget, but that has come at a cost. The cost of keeping within our budget has been a reduced capacity for official visitors to fulfil their statutory functions. I will point to some of the disciplines—for example, Corrections. Corrections generates something like 80 per cent of all of the complaints to the scheme. We had a look at those complaints last year. We had a small sample period. Our conclusion around the level of complaints from AMC, in particular, are that they often result from the inability of ACT Corrections to effectively manage complaints, concerns and issues from inmates and also, to a large degree, around health issues. Those two issues really dominate complaints. Our official visitors there would like to be doing

more and they believe they should be doing more in the AMC. But, in the spirit of working with us, they have cut back.

The one that does concern the board most of all is in the disability area. Since 2021, we have seen a 66 per cent rise in disability visitable places in the ACT through the NDIS, and we are not getting to those visitable places. We would like to get to every visitable place in a calendar year, but we just do not have the resources to do it at the moment. That is an issue that is a concern to the board. We are meeting with official visitors next week to discuss our position, which will be some internal realignment of that budget. But the envelope is largely the same. So there is a reduced capacity to actually get to our visitable places.

The second is that official visitors have a range of functions which include input to policy and procedures. So we are focusing more on our visiting roles. I do not know if Geoff wants to talk about the other roles and the impact that reduction has on the roles of official visitors?

Mr Dulhanty: At the moment, because of the increase in bed numbers in mental health and also community mental health services, we have had to target complaint management and looking at the issues at the coalface level. So we have not been doing any high-level consultation with the executive staff members looking at the bigger systemic issues and we have not been able to be involved in policy review and input to policy. Mental health needs to be looking at models of care. We have not had the opportunity to comment on models of care and what we have seen from a systemic position.

So they are not getting the benefit necessarily of fresh eyes or external eyes. It is very much internal people making up their own policy. Whilst it goes out for consultation, we just do not have the time and, if we focus on that, then we are not focusing on the complaints issues or the consumers who are needing support. That is the issue from an official visitor's perspective. We just cannot get through everything that we need to get through, so we have to prioritise somewhere. That prioritisation is with the consumer and their experience of the service rather than necessarily the service and how it needs to improve to meet the consumers' needs.

Mr Muir: I would just add one more thing in closing. We need to build our case, and I do not think we have done that in a satisfactory way yet. So, as a board, we are trying to look at what metrics, for example, we need to produce. Again, as someone who has been a public servant for close to 40 years, I know that money does not just materialise for no good reason. So we have to build our case, and I do not think we have done that sufficiently. One of our objectives over the coming 12 months is to be really clear on what those gaps are and what our case is.

MS CARRICK: Assumably, that will involve a growing population, growing case numbers, growing complexity and—

Mr Dulhanty: Growing services.

MS CARRICK: Yes. With the IT side of things, you would have to have a case management system. Is your IT system up to managing this level of caseload?

Mr Muir: No.

MS CARRICK: It is across the board; everybody seems to have IT issues.

Mr Dulhanty: We do not have a case management program.

Mr Muir: Stefan has been working with some of the OV's to look at what our possible solutions are—again, within our own funding envelope.

Mr Dzwonnik: I have been working with the Disability Official Visitors to look at the issue. The issue at this stage with case management software is you are talking about a fee initially to create an ad hoc software that is suitable for the official visitors and licensing as well, and we are extremely stretched for budget. But, at this stage, I am consulting with the Disability Official Visitors. We are looking at a OneDrive solution to allow for sharing of information.

As you are aware, section 25A was recently included in the Official Visitor Act, to allow sharing of information between official visitors. Prior to that, official visitors could not share information between each other as they are agencies in their own right. Now we have that facility to allow that. So we are currently working with the official visitors to develop that OneDrive solution—it is an Excel kind of solution at this stage—to ensure that they can record and share information with each other.

MS CARRICK: Thank you.

MS TOUGH: You said there has been an amendment so that official visitors can share information but you do not have a case management type software system. How do you then manage the interactions with vulnerable persons who might range between a range of visitable places? Someone might be in the disability space or the mental health space and may end up in the Corrections space. One person could actually be using a lot of visitable places. How do you manage that information-sharing between official visitors?

Mr Dzwonnik: At this stage, official visitors might refer to each other. An entitled person might advise, “I have dealt with X official visitor when I was in this service.” Then that official visitor will discuss with the other official visitor. Alternatively, if they are very satisfied with the services of that previous official visitor, the official visitor in that current space might authorise that other official visitor to visit them. For instance, we have an Aboriginal and Torres Strait Islander Official Visitor for Corrections and Children and Young People. If, say, a person moves from Bimberi or an out-of-home-care service into adult mental health, for instance, they can request the Aboriginal and Torres Strait Islander Official Visitor to visit them.

MS TOUGH: Thank you.

MR RATTENBURY: In light of the observations you have made around capacity, has that resulted in a reduced number of visits in recent times or just an inability to grow visits?

Mr Dulhunty: In disability and in mental health it means less capacity to visit.

MR RATTENBURY: Do you have data on the number of visits each year, say over the last four years, that you could provide to the committee?

Mr Muir: Yes.

MR RATTENBURY: I do not imagine you have it off the top of your head, but could you provide that on notice?

Mr Muir: They are all in our annual report, but we will provide it to the committee. We are required to report those. We are assembling the data for this year's annual report, and I am not sure whether that can be done before embargo.

MR RATTENBURY: I do not know.; it is your information.

Mr Muir: We will seek some advice. I am happy to provide it if we are able.

MR RATTENBURY: That would be great. Thank you very much.

MS CARRICK: Yes, and to know where the gaps are.

MR RATTENBURY: The question I am asking is about an actual recording of number of visits. I think there is a second question around—

MS CARRICK: Where the gaps are.

MR RATTENBURY: Where are the shortcomings.

Mr Muir: Yes.

Mr Dzwonnik: Admittedly, it is about the proportion of growth in visitable places-in, for instance, disability. Even if we were to keep the same number of visits in that calendar year, the problem is that the proportion has decreased.

MR RATTENBURY: I appreciate that point. The observation was well made around the 61 per cent increase in visitable places, which makes sense in the context of the NDIS and a range of other policy developments in that space.

Mr Dulhunty: Yes.

MS TOUGH: How do you monitor, as chair of the board, the performance of the official visitors? How do you balance their independence with ensuring that value for public money is achieved?

Mr Muir: Legislatively, the board's role is really restricted to considering complaints against official visitors and any potential misconduct. To be clear, firstly, in my 18 months or so as chair we have had no complaints. No, sorry; we have had one complaint relating to an official visitor, which a board member has looked at and satisfactorily resolved. We have had no allegations of misconduct. We provide briefings to official

visitors on things like potential conflicts of interest. We are actively managing conflicts of interest. Other than that, our ability to supervise is limited, as a board. The other way that we do it is by having people working as teams within each discipline. Homelessness is the only of the disciplines where there is a sole operator, but even there we have appointed one of the women official visitors to visit women's homelessness services. So there is some accountability within the groups. Then we have professional development days—

Mr Dulhunty: On a quarterly basis.

Mr Muir: on a quarterly basis, where we interact with official visitors. There is no formal supervision process.

Also, we, as the board, receive the summary reports that go to all ministers, and they are made available at each board meeting. They are interrogated at board meetings. In my term, as well, we have had a discipline present at each of the board meetings, at which time that gives us an opportunity to explore issues or problems there. And again, we will hear, as well, if things are not travelling well, often from other official visitors. It is pretty rare, I have got to say.

MS TOUGH: How many official visitors are there currently?

Mr Dzwonnik: Twelve positions.

Mr Muir: I think 12, yes, but—

MS TOUGH: Twelve positions.

Mr Dzwonnik: Some Official Visitors concurrently hold multiple positions. For instance, we have Vickie Quinn, who holds both the Corrections and Children and Young People position and the Aboriginal and Torres Strait Islander position associated with those.

MS TOUGH: So, 12 positions, but fewer than 12—

Mr Muir: Individuals.

Mr Dzwonnik: People, yes.

MS TOUGH: And how many board members?

Mr Muir: There are five board members currently: the Public Trustee and Guardian; the Children and Young People Commissioner; myself, as independent chair; and two official visitor elected representatives. I would like to see a First Nations representative on that board. I think it is a significant gap in the board's composition, and we are in the process of rectifying that at the moment.

MS TOUGH: Wonderful, thank you.

THE CHAIR: Ms Barry, you had a supplementary?

MS BARRY: You mentioned that you have received one complaint about an official visitor. Is it information you can share or is that confidential?

Mr Muir: I could do it in a de-identified way. We had a very agitated person ring us about the service he received from an official visitor. He was quite difficult at first to contact and to engage with and would often hang up mid-conversation. I asked one of the board members who is an official visitor to go and see if they could engage with this person to find out the substance of their complaint, to document it and to bring it back to the board. The substance of the complaint, really, was that the entitled person felt that the official visitor was engaging more with the service than with them. So we worked with that person, and we also then issued a reminder to official visitors about really being focused on entitled persons rather than going to the service. It is getting that mix right.

MS BARRY: Balance, yes.

Mr Muir: That balance of finding out from service providers and engaging with service providers but also making sure that we are getting the entitled person's perspective. It was a good learning experience for our organisation, and that person felt satisfied with the outcome and the level of engagement. In fact, even in our first bits of engagement—I think I emailed him—it was: “What are you going to do about it?” I assured him we would take the complaint seriously and we would investigate it seriously, and it was actually a pretty good resolution. I was very happy with the process and that we have got board members that are capable of that level of engagement and resolution. He was a very challenging person to engage with, I have to say.

MS BARRY: Thank you; that is useful. I sense that you are getting increasingly frustrated—and that is probably not the right word to use—about the lack of actions around your reports and your recommendations. Do you have any strategies in mind on how, perhaps, we can progress some of those recommendations and what we can do as an Assembly?

Mr Muir: Thank you. That is an excellent question, and I think, for us, one of the most pressing issues we face. I think you are correct in your reading that there is a growing sense of frustration not only at a board level but also amongst official visitors. These are people who have been dedicated to their areas for large periods of time. In the annual report, we deliberately took a tack last year where the numbers—that Mr Rattenbury asked about—were front-ended from some of the previous reports. We moved them down and deliberately highlighted some of the areas where we felt we were not getting sufficient traction.

I attempted to engage with a number of heads of agencies—directors-general. I have to say that, with the last annual report, I was a little less than satisfied with some of the responses from some of the directorates and agencies with whom we deal. My approach was, “Here is what we are about to say in the annual report. Is there anything you would like to commit to that we could work on together and report? I do not want to just use a report to beat you. I would love to be able to say, ‘Look, here is what we have identified; here is how the directorate has responded, and this is what they have committed to over the coming 12 months.’ ” This was so we could report on progress.

The best level of engagement, I have to say, to be fair, was with Corrections, about changes in personnel in Corrections. And, really, that was about the draw on the resources of official visitors with the sheer volume of complaints in Corrections, which means we have to take resources from elsewhere to deal with them. We said, “If you could deal with them more effectively internally, we do not have to be doing as much in Corrections.” The then acting commissioner was, to be fair, very responsive. He has gone elsewhere. We have engaged with the new commissioner. I have had a meeting with her.

Some of the other directorates, did not respond. Again, in fairness, some of the issues identified were tied up in government initiatives, and we felt it was fair to see how they played out. For example, housing maintenance is one that is a recurrent theme in our reports. There have been announcements; so, in fairness, how will those government initiatives play out, and will they get the traction that will address the concerns that we have raised in annual reports?

To answer your question of what can be done, I have had a discussion with the minister arising from our last professional development day, and to some extent it is getting feedback from the directorates, sometimes even feedback from line ministers, answering some of the substantive concerns that official visitors are raising with them, and that varies. I really do not want to get into who and what. Some of the responses from ministers are timely and directed. I have met with one official visitor who has expressed some frustration that they are not getting feedback either from the relevant directorate or their minister.

So, I think, responses to the issues that have been raised is something, and it is something that has been felt by the official visitors and the board. We discussed it at our last board meeting—this very issue. As a board, we have questioned whether or not we should be issuing some periodic reports to inform the Assembly and directorates and ministers as to some of the ongoing issues. We are looking at our legislative compliance. One of the things, for example, is that official visitors should be reporting non-compliant services. My mind starts to ask, “Should we be making some of this bit public?” If, for example as in the NDIS, client choice is one of the threshold issues, are people properly informed about the services that are operating here in the ACT?

Some of it is about action at a directorate level and getting feedback on that. We are still working with the minister on what that may look like, and that is an offer that she has made to see if she can help us progress that issue. Some of it is really feeling like the directorates are engaging with what we are putting to them, and that is varied. Geoff, I do not know if you have got anything else that you would want to add?

Mr Dulhunty: From an official visitor perspective—and I am in my fourth year now, so the first year of my second term—when you raise it in every quarterly report for four years, you start thinking, “Why am I raising this and why am I chasing this, when I am still not getting any traction or any feedback from the service and/or the executive director of the service, or the general manager, saying, ‘Look, we note that. We agree with you. This is our plan for action’?” I think that has happened once in my term—that a systemic issue that I have raised has been fed-back and actioned, and then I have had feedback on it.

For example, the adult mental health unit I find substandard and noncompliant in terms of its environment. If you admitted a family member to a ward or facility in the ACT with a similar environment in it, you would be complaining and raising issues with the media to try and get some action in there. The ward is old, tired, falling apart and requires funding, and that seems to be the biggest issue. It is the funding. I am taking coals to Newcastle, telling you about funding, particularly around the health budget!

This is a particular cohort of people who do not have a high public profile, and people do not argue on their behalf very often. The adult mental health unit is the worst unit of all mental health units in the whole of the ACT. It is dismal and it is embarrassing. I have got care staff, clinical staff, telling me they wish they could make the environment more friendly and homelike for the consumers that go there. I am going to keep beating the drum, but you get tired of saying “the same issue” over and over and over again without any action seeming to happen.

It is the same issue around the admission of young people to the adult mental health unit. We keep raising it and raising it and raising it. But I am pleased to say there has been some action as of last Friday, so after two years we are starting to get some action in that regard.

It is not as if we are raising issues for the hell of it. We are raising issues because we have got real concerns for the consumers, and a lot of consumers that I deal with come from a homeless, Corrections, background—mental health, disability, all mixed into one—and do not necessarily have the advocacy services behind them or the capacity to argue with a service to improve that service. That is where the official visitor role is important: to make sure that those voices are heard and that they are heard at the highest level.

MS BARRY: Thank you. I just have two supplementary questions, if that is all right. You talked about noncompliance. Is there a power you can use?

Mr Dzwonnik: Yes. This is section 16 of the Official Visitor Act.

MS BARRY: Okay. What are the limitations on using that power?

Mr Dzwonnik: I do not have the wording in front of me, but it is to the effect of, when an official visitor enters a visitable place for the purposes of the relevant operational legislation, in the official visitor’s reasonable belief, is the place noncompliant as to the care and the services provided at that facility? I think there are a couple more criteria in a detainee setting, so for AMC, and Bimberi as well. As soon as they identify noncompliance, they are supposed to report on that noncompliance. At this stage—as I have discussed with the official visitors—is it a matter of reporting straight away or do they include that noncompliance within a quarterly report?

Mr Muir: Then providing that to the minister, and the board says, “What other role do we have?” We have not reached a conclusion on that as a board, but it is an issue that official visitors are raising increasingly—services that they believe are noncompliant with their obligations.

MS BARRY: Thank you so much. You touched on housing. I do not know if you can answer questions about housing maintenance?

Mr Muir: I am not in a position to today.

MS BARRY: Okay, all right.

Mr Muir: We can take that on notice.

MS BARRY: We will put it on notice, yes.

Mr Muir: The short answer is: my discussions with, particularly, disability official visitors would suggest to me that there is not yet a substantive improvement. We can give you a more detailed answer to that if you—

MS BARRY: Yes, I will put the question on notice. Thank you.

Mr Muir: Yes.

MS TOUGH: You mentioned adult mental health and you have just mentioned, possibly, disability. Which agencies are consistently less likely to engage with official visitors? If you need to take it on notice, that is also okay.

Mr Dulhanty: What do you mean by engagement?

Mr Muir: Feedback and—

MS TOUGH: If you are giving feedback over and over again, which agencies are less likely to respond and be constructive in that? Given the useful role official visitors are playing in highlighting issues to directorates and ministers, I am just interested in which ones are not necessarily taking the feedback on board.

Mr Muir: I would like to give that some thought and come back to you on it. I will take that on notice, and we will give you an answer.

MS TOUGH: Yes, that would be fine.

Mr Muir: I would like to have the wording of the OV's on that. I will indicate that one of the challenges, obviously, is the NDIS. That, I think, is one of the single biggest challenges, and that is not necessarily—

MS TOUGH: ACT government, but still—

Mr Muir: Yes.

MS TOUGH: Yes; that is so helpful.

Mr Muir: There are services within the territory, funded by the commonwealth; the interaction with the NDIS Quality and Safeguards Commission—there are a bunch of things. That is a really challenging space.

MS TOUGH: Thank you. I am happy for you to take it on notice and consider what you can respond with.

Mr Muir: Yes, we will.

THE CHAIR: It sounds like, number one, the issues that you are raising are not new. There seems to be extensive frustration that it is the same things being raised each report, and each annual report, and you are running into the same issues. Am I reading that correctly?

Mr Muir: Correctly—absolutely.

THE CHAIR: And it seems like the budget side of the equation is really key to all of that in terms of your capacity to engage and act and then, hopefully, see some change, depending on reception from different agencies. However, the budget is very difficult to pull out from the numbers that we have in the budget papers themselves. Do you have, or can you give us—and I am happy for it to be on notice—the allocation both for this year and for across the forward estimates?

Mr Muir: Absolutely, we can, yes. I have figures here in front of me. It is divided into two. There is territory funding, which funds the actual activities of the official visitors, and there is separate—

Mr Dzwonnik: And departmental funding, which funds both the chair and the executive officer. The executive officer is part of the board's functions—to provide support to the board.

Mr Muir: We will give you both of those.

THE CHAIR: Yes, that would be great.

Mr Muir: If we give you, say, the last three financial years, would that be—

THE CHAIR: Yes, that would be good, and the forward estimates as well. Can I have the forward estimates?

Mr Muir: Yes, sure.

THE CHAIR: Fantastic. The question is about any growth rate in that funding. Does that growth rate keep up with inflation, and does it, on top of inflation, keep up with service growth? From what I am hearing, it is probably not.

Mr Dzwonnik: No.

Mr Muir: The answer to the last part is no—definitely. We would have to do the numbers on things like the cost base.

THE CHAIR: That would be very helpful. Ms Carrick, you have a burning question you want to get to.

MS CARRICK: Yes. I want to ask you about governance. When you have a big public service, you have got to cut and dice it different ways, so you end up with fragmentation and it is hard to pull it together. What sort of governance arrangements do you have to be able to raise your issues with the directorates? Is there a governance framework or a working group, or is there anything where cross-portfolio meets to discuss your issues? Could it be improved in that way through some level of looking at the governance and how your issues are raised within the public service?

Mr Dulhanty: Absolutely. There is not a process in place at the moment. It is, really, to the minister and to the executive director or the general manager of the service, and then it is up to them to delegate and/or send it off for action. That is where we lose the capacity to understand what they are doing or if they are doing anything about what we have raised. A cross-service or cross-jurisdiction oversight committee would be really good, because we could see whether the services and facilities are actually actioning what is being raised and how they are actioning it, and then we could report on that, because at the moment we report in the dark. If we do not see anything, we raise it again and we raise it again.

No, there is no overseeing. The minister is the person that oversees, and I suppose that is because the definition of an official visitor is “the eyes and the ears” of the minister, and that is what we are out there for—so the minister gets to see and hear what it is that we are seeing and hearing. But there is no other process in place that corrects or oversees our recommendations.

MS CARRICK: Or builds it into policy development or action plans.

Mr Dulhanty: Yes.

Mr Muir: The best organised sector is Corrections. There is an oversight group within Corrections, but that is also the most oversighted area. There is a Corrections oversight group within the agencies that oversee Corrections. That is really the only one where there is an organised structure.

MS CARRICK: Thank you.

THE CHAIR: Unless there is something else that is absolutely burning, we might wind it up there. On behalf of the committee, I thank you for your attendance today. If you have taken any questions on notice—there are a few, and I am sure there are more to come—please provide your answers to the committee secretary within five business days of receiving the uncorrected proof *Hansard*. Thank you.

Mr Muir: Thank you.

Short suspension.

Appearances:

Office of the Director of Public Prosecutions

Engel, Ms Victoria SC, Director of Public Prosecutions

THE CHAIR: We welcome the Director of Public Prosecutions and the Deputy Director of Public Prosecutions (Criminal Practice). Please note that as witnesses you are protected by parliamentary privilege and bound by its obligations. You must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Thank you for providing the committee with an updated opening statement in writing. Your updated opening statement has been received and published by the committee.

Ms Engel: Thank you.

THE CHAIR: We will now proceed to questions. And it ties in pretty strongly with the issues that you raised in that opening statement in that we have raised and discussed issues of funding for the DPP in previous hearings, and clearly you have raised issues around funding this time as well. On June 18 the DPP issued a media release on this year's budget announcement that I will quote:

The DPP recognises today's announcement yet remains extremely concerned about the base funding of its agency, which compromises the needs of vulnerable people at the centre of the justice system.

The funding:

... falls short of the necessary long-term funding to meet the increased demand of the work of the ACT DPP.

I will continue:

"The WAS scheme continues to operate at drastically lower levels compared to the WAS support available in other jurisdictions, to the detriment of those who interact with the criminal justice system, namely victims of crime."

...

If the ACT DPP is not adequately funded, community safety is compromised."

I want to open it up to you to talk a little bit about what the real-world impacts are to the community, to victims of crime and to your staff, as well, of what you are clearly suggesting is inadequate base-level funding. What is the real-world impact?

Ms Engel: I have read and acknowledge the privilege statement. I will refer very briefly to two aspects that I mentioned in the opening statement, which tie into your question. The first is that in 2017 there was an external strategic review into the funding of the office at that stage. In 2017 the two recommendations made of that report, which was tabled in parliament, were that the office needed immediate funding and long-term significant funding. It recognised that the office was only coping, in 2017, because of

the limited capacity of the courts to list matters. At that point, the Supreme Court only had four Supreme Court judges; there are now six, together with a number of acting Supreme Court judges. The number of magistrates has also increased significantly. Since then, I have received very limited funding. There has been no meaningful increase to my budget since 2017.

The other aspect that report recognised was the need for whole-of-system funding and that it is shortsighted—and I do not say that disrespectfully—to fund one aspect of the system without consideration of the downstream effect. The last two ACT budgets have resulted in increased funding for ACT Policing, and whilst that was needed, and I do not suggest otherwise, when you put additional police on the street, it results in increased charges which come into my office, and there has been no commensurate increase to my funding.

Similarly, in relation to the courts' funding in relation to the ninth magistrate, for example, we received funding for one year alone and no long-term funding. In relation to the Galambany Court we received no funding. There have been significant measures implemented in relation to other aspects of the system without any real recognition for how my office copes with that.

The real-life effect, going back to your question, is that my staff simply do not have time to prepare the matters properly. As I have said in the opening statement, if you are a victim of crime in the ACT, you have to rely on my office to properly prosecute your matter. We are the vehicle through which justice is either achieved or is not achieved. Expecting my staff to carry huge workloads, to work unpaid overtime hours and to have no real ability to prepare matters in a way the community would expect, really compromises community safety. It also compromises the trust police have in my agency. They put a lot of effort into investigating matters and charging, and then they hand the files over to us. If we are not funded to be able to prosecute those matters properly, it really impacts on their trust and confidence in our agency.

The other aspect is that the defence bar—the defence lawyers in the ACT—and accused people should be able to expect that my staff have adequate time to review files, and that is to assess whether matters should be proceeding and to consider them, whether it is representations for plea offers or whether it is representations that matters are not in the public interest to proceed. If we do not have capacity to review those files properly, it also impacts the accused and their lawyers in the ACT, increases delays in the system and increases costs to accused people.

THE CHAIR: It sounds like what you are outlining, particularly in that last comment, is that if you are not able to adequately and fully appropriately review matters, it compromises the ability to decide whether something even proceeds, and you are ending up with wasted effort on all ends as well.

Ms Engel: And at the moment, due to the exceptional hard work and goodwill of my staff, I am not of the view that matters are proceeding that should not, but what I am of the view of is that those matters are taking too long to be considered. So matters are remaining in the court system for too long, which has real-world consequences, both as to the court's resourcing—it impacts the court, and it also impacts the accused—and, of course, it impacts vulnerable victims and witnesses.

THE CHAIR: And one of the specific matters you have noted was around funding for witness assistance. I want to understand what that means in real terms for your office and for victims.

Ms Engel: With the Witness Assistance Service, I think there a slight misconception that it is a service that I have implemented. It is not. It is a service that has been in existence nationally for at least a decade. The difference in the ACT is that when I arrived just over a year ago, that was a very depleted service in the ACT compared to what exists in other jurisdictions. Mr Rattenbury in his former role provided me with short-term funding to increase that from three witness assistance officers to six. That has been continued, that short-term funding, from the recent Confiscation Asset Trust Fund. That still means, as in the opening statement I referenced, the fact that last year we received 935 fresh family violence files into the office and that we received, I think it was, about 249 sexual violence files into the office. The current witness assistance staff are managing just shy of 400 files. They do a phenomenal job in supporting victims, preparing them to give evidence and helping them to understand the system. They also often sit with them while they give their evidence, act as a support person, and they help them for example, if a matter is a conviction and a sentence, with sentence victim impact statements.

They also identify real needs, and there was a very good recent example. One of my witness assistance officers was supporting a victim of sexual offending in the process of providing her victim impact statement to court. In that victim impact statement, she highlighted that having been a victim-survivor of sexual violence, and she had been sexually assaulted in her own bed, one of the ongoing harms was that she did not have the financial capacity to buy a new bed. My witness assistance officer heard that and came immediately back to the office and used contacts to source a bed for her free of charge from the community services. That made a huge, tangible impact to that particular victim-survivor: that is the kind of real-world impact.

At the moment, I am not able to provide witness assistance officers to the majority of victims coming into my office. That means that the individual lawyer working on their file not only carries the legal burden of trying to make sure the matter is prepared adequately when they have too huge a workload but also tries to support witnesses and victims. They do a very good job of doing that, but they cannot do it on their own. They are also not skilled to do it on their own. When you look at other services, like the Legal Aid Commission and Aboriginal Legal Service, they have for decades recognised the need for community liaison officers and the need for specialist support when it comes to supporting people going through the court system. DPPs across the country have caught up, except for the ACT.

THE CHAIR: You mentioned that that extra funding is still short-term. What year does that expire?

Ms Engel: The CAT funding applies to the next financial year. So it will run until the 2025-26 year and in 2027 it will expire.

THE CHAIR: It does not sound like there is any anticipation that the need for that service will go away, and so you would be going back to apply for funding again.

Ms Engel: Yes, and the difficulty is that the CAT funding is intended to be a very short-term measure. It is not intended to be a long-term funding strategy from that particular fund. The bigger problem from my perspective is that the funding for the six witness assistance officers is still falling well short of what is required, given the volume of matters with vulnerable victims in my office. In the last financial year compared to four years ago, there has been a 170 per cent increase in sexual violence matters coming into the office and there has been a 50 per cent increase in family violence over the last four years.

So there are six witness assistance officers and one manager, who also takes on a file load. Those seven officers work exceptionally hard. They are often here very late at night unpaid, trying to make sure that a victim has been told about the next in-court day, working until 7 pm or 8 pm just to make sure that victims and witnesses are not left waiting in abeyance for information. It is difficult to conceive how they can carry that kind of file load and maintain their own wellbeing, because, it is, of course, high-risk work. It carries a high risk of vicarious trauma, because you are sitting with people through the worst times of their life and you are carrying that with them.

MR RATTENBURY: My recollection, Ms Engel, is that you think you need a significantly higher number.

Ms Engel: Yes, that is correct. When I first started, my initial impression was that, to bring us to the same level as other jurisdictions, we required at least 20 witness assistance officers. As I said, we now have seven. That is still well short. There has been a huge increase in family violence and sexual violence even in the last year. When I started in 2023-24 there were 199 sexual violence files that year. In the last financial year, there were 249. The figure of 20 was based on the numbers that were coming in at the time, a year ago, and, as I have said, there has been a huge increase even in that last 12 months. The 20 is the absolute minimum that we would need.

THE CHAIR: And that is just for that function?

Ms Engel: That is right.

THE CHAIR: Do you have a number that you think you need across the DPP to meet current demand?

Ms Engel: Yes. When I assessed it at the point of the last annual report hearings, what I said then in relation to meeting immediate demand was that, in the next 12 months, we would need 10 additional lawyers and that, over the next two to three years, we would need an additional 19 lawyers. That was based on the figures that existed last year. Given what appears to be the continued prediction of huge increases across the board, I am in the process of reconsidering whether what I had said a year ago was required actually is even sufficient anymore.

MR RATTENBURY: On this issue of resourcing, we note your earlier public comments where you indicate your inability to continue with regulatory prosecutions. We heard from the Solicitor-General this morning that that function has now been transferred across. I am interested in the policy decision-making behind that. Part of

your call was, “I cannot do this without capacity.” Capacity has now been found. So I am interested that that went somewhere else and the capacity did not go to your office. Do you have a view on that decision?

Ms Engel: I welcome the fact that somebody has received funding. A common misconception that was reported earlier in the year in the media was that we had at some stage received funding to do that work. That was incorrect; we have never received funding to do that work. That the Solicitor-General has now received, I think it is close to a million a year to do that function, shows how inappropriate or ineffective it was that it was expected that my staff would continue to absorb that work without any funding.

From my perspective, in other jurisdictions, that work sits quite often with the Solicitor-General. So it is a relatively neat fit to sit with the Solicitor-General. If we had received the funding that we had requested, we would have been happy to continue that work. But the reason as to why the funding went to the Solicitor-General rather than our office would be a question for the government.

MR RATTENBURY: You did not put in a recommendation to separate the function?

Ms Engel: No, that was not my recommendation. I certainly highlighted that, in other jurisdictions, it quite often sat outside of the DPP and that it was not part of our core functions. But I do not believe that the recommendation for the Government Solicitor to take over was my specific recommendation.

MR RATTENBURY: We heard from the Integrity Commissioner earlier in the week that he has informed you of possible criminal issues arising from the report regarding Operation Luna. This is the first such finding from the Integrity Commission. I am not expecting you to disclose your deliberations, but I am interested if you can just describe to the committee what your approach will be now from a process point of view to respond to that recommendation or referral?

Ms Engel: The matter and his findings have been drawn to my attention by the commissioner. There has not in fact been a referral pursuant to section 111 of his act. That is the mechanism for which the matter would come to me for consideration. Him having drawn it to my attention without having made a referral, I am now undertaking the process of considering what, if anything, I can do. I do not have investigative powers. I look at matters that are referred to me by the police or by, for example, the Integrity Commission. My current view is that, absent a section 111 referral, I do not have any power to do anything. But I will be reflecting on that. It has all happened relatively recently.

MR RATTENBURY: Of course. Do you have any insight as to why that section 111 power was not used?

Ms Engel: My understanding—and it is consistent with what I have seen in other jurisdictions from the equivalent of our commission—is that, anytime there is a consideration of corruption or the like, something like the Integrity Commission has to decide whether to make public its findings if there is generally public interest in those findings coming out. There is an argument that to do so could prejudice any future

prosecution. So it is often a decision that a commission makes as to whether or not to refer something for prosecution and further investigation or whether the public interest dictates that the findings be made public. I believe that is what has happened here—that, because it has been a public finding, that is why a referral has not been made under 111. But I would be hesitant to speak for the commissioner at this stage.

MR RATTENBURY: That is all right. I will ask the commissioner as well on notice. I was just interested in your understanding. This is relatively new for the ACT, and certainly the commissioner was very clear in his public findings about his view on possible criminal conduct. So I am interested that the pathway has not been opened then.

Ms Engel: I can say that in my experience with the Northern Territory and the ICAC in New South Wales equivalent, it is not unusual that, if there are public findings made, potentially there will not be a referral. But I cannot recall off the top of my head whether there have been examples. I think there probably have been examples where there is still a public finding and a referral. It is not unusual for a commission to make a decision one way or the other, but it is, as you say, the first of this kind of finding. I believe the commissioner referred to the fact that there are negotiations going on between his office and mine, and that is in relation to setting up the memorandum of understanding for these sorts of situations to make sure that the processes are clear. That is where I imagine we will be nutting out whether as to absent a 111 referral there is any power for me to consider the matter at all.

MR RATTENBURY: Thank you. That provides helpful insights.

THE CHAIR: Just to clarify: is the barrier there a legislative barrier around whether you have the power to investigate something that has been drawn to your attention without that referral?

Ms Engel: It is twofold. One is that I do not have investigative powers as the DPP; I have prosecutorial powers, and—

THE CHAIR: Sorry,, I should have said “prosecute”.

Ms Engel: whether or not, in the absence of a referral, it oversteps my role to go out and seek that information and to make decisions in relation to prosecutions. That is because it is the first time this has happened. As I said, my preliminary view is that, absent a referral under that section, I would not have the power. But I am considering that more closely given the importance, obviously, of the findings and the next steps for the community.

THE CHAIR: Thank you.

MS CARRICK: My question is still on the funding side of things. When it comes to your IT infrastructure, case management system, staff training, cybersecurity, privacy and all those sorts of issues, do you have enough funding to keep your IT systems and staff training type things going?

Ms Engel: In short, no. I will answer the IT issue first. We have a very small IT team

internally—they are phenomenal, but a very small IT team. We are at the end of the life of our case management system, and so we need to start looking at what we do from there. Most other DPPs have found new models. We are using the same case management system that New South Wales DPP put on the shelf about two years ago. So we need to look at what we bring in next. It will require significant funding in order to do that.

In relation to training, the answer is, unfortunately, no. That is a real concern for me. Following the ALRC recommendations into sexual violence, a lot of the recommendations related to training of prosecutors to make sure that prosecutors are trauma-informed in their approach in dealing with victims and witnesses and in the way that they address juries about misconceptions of sexual violence.

That sort of plays into the issue of the change of law on affirmative consent. Changing the law is a very important step, but there is then a huge step to be able to convince juries to come with you on the journey of a change in legislation and to be able to educate juries on issues such as misconceptions of sexual violence and also ensuring that, where necessary, we are putting relevant expert evidence before juries to counter those sorts of misconceptions about violence. All of that requires money to train my staff properly.

To date, we have been managing it by doing internal training. I have run training in relation to the issue. We are lucky enough to have the former head of the Sexual Violence Legal Service, Ms Priestly. She returned to the office earlier this year. Because of her knowledge there, she has been able to deliver some in-house training. The witness assistance manager, Mel Gumley, has come across to us with significant experience at the Domestic Violence Crisis Service, and she has been able to run training for our staff.

But we have a gap in being able to offer professional training outside of our own office and outside of our own lawyers and support staff delivering that training. Given those recommendations by the ALRC, Mel and I are looking at how we can ever actually meet those recommendations in the absence of specific funding for that.

MS CARRICK: Thank you.

MS TOUGH: I think it is very clear that you need more funding, and I appreciate that. But would funding the DPP alone create pressures downstream for the court resources, Legal Aid, victim support and all those other bits? You mentioned that there has been resourcing further upstream to you, but then you have the downstream flow-on effects as well. So funding for the DPP would just be like one part of that envelope across the whole system. What do you see as the opportunities for how this could work more efficiently? Do you see any agencies where they are disproportionately funded or overfunded or if there is an imbalance somewhere?

Ms Engel: I very firmly have the view that it needs to be whole-of-system funding rather than to discrete agencies. The only thing I will say is that agencies like ACT Policing and the courts have some capacity to limit their workload. So, even though it is not ideal, and I certainly would not encourage it, in theory, police could slow down investigations if they did not have the resources or if their office had worked too many hours that week. Similarly, the courts have capacity to control their listings. Obviously,

that is not ideal and it results in delays to victims and to accused, and there is a flow-on impact there, but they have some levers. The difference is I have absolutely no lever. That is why I have been raising the alarm—as I said publicly in June—privately over the last year and I am now raising it more publicly. That is the only point of difference I would say that we have to many of the other parts of the justice system.

The other thing I will say is that victim services, VSAT and the Victims of Crime Commissioner provide a phenomenal service. They act beyond just the criminal justice system. But, when it comes to the criminal justice system, that is a process of referral by a victim—so it is an opt-in. There are many victims that choose not to opt-in to that service or choose to opt-in at the very end. I have had a number of matters that I have personally been involved in and run the court cases for where, coming towards the end of the matter, a victim has chosen at that point to engage with VSAT, and the service that VSAT has provided has been phenomenal. It is that enduring assistance beyond the end of the court matter. But they have not been involved for the whole journey. So that is the gap where my office needs to step in.

MS TOUGH: That seems to make sense. Going back to, I think, Mr Cocks' question at the start—or maybe it was Mr Rattenbury's—when you talked about when the ninth magistrate came on and there was no additional funding in recognition that that was going to create more workload. I believe we have 10 magistrates. Was there funding provided with that 10th magistrate to acknowledge the extra workload?

Ms Engel: There was some funding. It was much shorter than what we said was the minimum required. We will be receiving funding for two years. I do not have the exact figures to hand. But, as far as positions, I think it was probably about 40 per cent of what we would actually asked for as the minimum.

The other part to that is that in the last financial year, in the Magistrates Court, there were, with the use of Galambany and with the use of special magistrates, the court sat, I think, it was about 540 additional days, which we received no funding for. In the Supreme Court, there was about a 40 per cent increase in Supreme Court trial listings in the last financial year compared to the year before. That is phenomenal in the sense that trials are able to be listed and matters be heard but there is no consideration for how we are meant to deal with a 40 per cent increase in Supreme Court trial listings.

MS TOUGH: I am going to be following up with the courts later this afternoon around why there has been such an increase in complexity and length of matters and what is going on there as well. So, hopefully, that helps provide a broader picture for us as well.

Ms Engel: Thank you.

THE CHAIR: I just want to ask for couple of clarifications at this juncture. You said that only two years of funding was provided for the extra magistrates coming on. So that funding terminates then.

Ms Engel: Yes.

THE CHAIR: Were you give a reason as to why? Is it not expected that there would be an ongoing impact from that decision? Why are we talking about terminating

funding?

Ms Engel: That I do not have the answer to. I am aware that it is not unusual for that to be the case—that it is short-term funding—and then there is potentially consideration of longer-term down the track. I am 95 per cent sure I am right that it is two years, but perhaps I will take that on notice and clarify that just in case. It is definitely short-term, but I just want to be 100 per cent sure that it is only two years.

THE CHAIR: Yes; can you reflect on that and if you have been provided with any reason? There is another thing that I want to check in on quickly. You said that your workload or your organisation's workload is essentially non-discretionary. One of the things I have been asking about through hearings is work health and safety impacts, and in particular psychosocial impacts. What levers do you have to manage the psychosocial impact of a non-discretionary increase in workload for your staff?

Ms Engel: We have no levers, which is a real concern for me. Obviously, I am responsible legally and also morally for my staff's wellbeing. The levers we have had and that we have been implementing is to literally absorb work up. So myself and my deputies have been taking on the work.

THE CHAIR: It does not sound like that is hugely sustainable.

Ms Engel: No.

THE CHAIR: Have you had any engagement with the Work Health and Safety Commissioner around how to manage the risks?

Ms Engel: We have, and we have a relationship with the WorkSafe Commissioner, because obviously we do their prosecutions when they choose to refer matters to us and if we decide to take them over. It is a real concern I have. It is a concern that all DPPs have been grappling with.

We have implemented a few things to try to protect the staff a bit better. We are the first DPP, I believe, to introduce psychological team debriefings after difficult matters. That has been really successful, and is one very small thing we can do to try to protect the staff. Within weeks of me arriving last year, we brought on vicarious trauma training by Robyn Brady, who is specialised in the pressures that both prosecutors and court staff experience in the vicarious trauma space. That has been exceptionally well received by the staff. We have our own specialist psychological provider, Life Unlimited, who provide specialised psychological assistance to the staff. Generally, myself and my two deputies have attempted to create a culture of openness about the risks that the work carries and the need to protect both individually and also our teams against those risks.

But the lack of ability to control the workflow is a reality of all DPPs. It is a real problem, because the impact of me saying, "We will not take those files," is that a victim's matter is not prosecuted by the office—or, God forbid, I get to the point where I have to terminate prosecutions because I simply do not have funding to run the matters. Then the added pressure is that, if staff are not given the funding to be able to prepare the matters properly—and these are exceptionally serious matters that they are

dealing with, and they do the work because they care about the types of matters that they are prosecuting, and they want to do both a fair and a good job—and if I cannot provide them with the necessary support to be able to prepare these matters, that carries its own risks as well.

THE CHAIR: As there are no further questions, 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 five business days of receiving the uncorrected proof *Hansard*.

Sitting suspended from 12.06 pm to 1.00 pm

Appearances:

Cheyne, Ms Tara, Manager of Government Business, Attorney-General, Minister for Human Rights, Minister for City and Government Services and Minister for the Night-Time Economy

Paterson, Dr Marisa, Minister for Police, Fire and Emergency Services, Minister for Women, Minister for the Prevention of Family and Domestic Violence, Minister for Corrections and Minister for Gaming Reform

Justice and Community Safety Directorate

Johnson, Mr Ray APM, Acting Director-General

Cvetkovski, Ms Dragana, Chief Finance Officer

Ng, Mr Daniel, Acting Executive Group Manager, Legislation, Policy and Programs Division

Marjan, Ms Nadia, Acting Executive Branch Manager, Civil Law, Legislation, Policy and Programs Division

Wickham, Mr Benjamin, Chief Executive Officer, ACT Courts and Tribunal

Kimber, Ms Bianca, Parliamentary Counsel, Parliamentary Counsel's Office

THE CHAIR: We welcome Ms Tara Cheyne, MLA, the Attorney-General, and Minister for Human Rights, and Dr Marisa Paterson, MLA, in her capacity as the Minister for Gaming Reform. We also welcome the officials in attendance.

Please note that as witnesses you are protected by parliamentary privilege and bound by its obligations. You must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. As we are not inviting opening statements, we will now proceed to questions.

MS CLAY: My question is probably for our Minister for Gaming Reform. I have the 2010 cabinet submission here that relates to the original MOU for the horse racing industry. That is the MOU that we have now, which is a bit over \$40 million over five years. We got this released fairly recently, and I am just going to quote a little bit from this 2010 cabinet submission and what the advice was to cabinet at the time. The cabinet submission was wary of—and I quote—“underwriting the poor performance by the racing clubs”. It also says: “The submission acknowledges that the budget funding represents a government subsidy of about \$7 million and does not provide any argument to support the existing subsidy.” With indexation, we have now seen that that subsidy is even higher than that now; it is about \$8 million a year.

So, 15 years ago it looks like cabinet was being given some pretty stern advice that that funding was not a great idea. Can you tell me how the government is justifying still, 15 years later, funnelling that taxpayer money into a gambling operation that does not have the support of the Canberra community?

Dr Paterson: I can speak to the current MOU, which was signed and published on 4 July 2022. I think there is been a lot of change over time in terms of what the MOU includes, what it looks like and what the expectations are on the Canberra Racing Club in terms of what they have to deliver with respect to the MOU. The current MOU has a range of expectations that the Racing Club is designed to meet, including industry management, welfare obligations, integrity obligations, ongoing viability, governance

and accountability and efficiency of the industry.

We have a broad government agenda to see clubs diversify their revenue streams. I think the Canberra Racing Club is a perfect example of a club that is actively looking to diversify because, they see that the current model that they are working under will struggle long term. Obviously, the MOU is a four-year MOU and so there are no guarantees on what that will look like going into the future. You would have seen all the media regarding the Canberra Racing Club's desire to develop their site. I think that is a positive step forward in the racing club setting themselves up to be a more viable business.

MS CLAY: I am interested that you raised some of the obligations they have in their MOU. There are a number of reporting obligations in there. They were in breach in one of them. One of the obligations was to develop a report to respond to whipping and how that was used in the industry and provide that to the minister by the end of 2023. When we inquired under FOI in 2024, that report had not yet been provided. Has that report now been provided?

Dr Paterson: I will get some advice in a second, but that is something that I have spoken to the Racing Club about, and they have outlined that there are difficulties in meeting that requirement of the MOU because it would potentially put them in breach of national standards, and I think there are some complications there. But I think Daniel might provide some more advice.

Mr Ng: Thanks, Ms Clay, for your question. That obligation, I would say, Ms Clay, is a joint one. Currently the directorate is the secretariat for a joint racing industry committee, which is the forum that we engage under the MOU in relation to the activities that we are required to deliver. That obligation is actually for the committee to work as a whole to produce that report. We have been working collaboratively with the Racing Club for some time. I would acknowledge that that report is not finalised yet, but that is not a matter wholly within the club's responsibility. They have certainly provided views to us, but the report is not finalised yet.

MS CLAY: I hear what you are saying, but the minister opened by saying that it is quite different now under this MOU. The industry has a whole lot of obligations under the MOU, and the first question I have asked about one of the obligations, which was an obligation they were meant to meet two years ago, is in breach; it is not being met. Is that—

Dr Paterson: Work is currently underway. It is continuing.

MS CLAY: But it was meant to be met by June 2023.

Dr Paterson: Work is currently underway.

MS CLAY: Are there any other obligations in that MOU that the industry is not meeting?

Dr Paterson: They have delivered on the economic impact report. I have had active conversations around the equine welfare aspects of the MOU. That is a significant

priority for the Racing Club. Is there anything else that—

Mr Ng: Yes, Minister. The other obligations relate to reporting on key performance indicators. I would say that the club has complied with the obligations there. That manifested in a summary report that JACS included in its annual report in the last reporting period.

MS CLAY: So we have an MOU—the latest one in a series of MOUs—and in 2010 cabinet was advised that it did not provide good value for money and that there was no particular justification for that MOU. But it was set up anyway. We are still providing this money. You have indicated that there is no guarantee that the next one would be signed. This current MOU expires in 2027. Is that correct?

Dr Paterson: Yes.

MS CLAY: Do you intend to sign another MOU?

Dr Paterson: These will be matters for cabinet to discuss.

MS CLAY: Will you be actively lobbying for a new MOU or, given your track record of trying to reduce harm from gambling and gaming, will you be advocating against another MOU?

Dr Paterson: I will be working with my colleagues to determine the best way forward in terms of how we work with the Canberra Racing Club going forward.

MS CLAY: In your capacity as gaming minister, do you support a new MOU?

Dr Paterson: I support the current MOU, and I have been working with the racing club and will continue to work with the racing club. What the future of the MOU is in terms of whether another one is entered into is a matter for the government going forward.

MS CLAY: So, we are pretty close to the end of the MOU and you have not yet decided if you are supporting a new one?

Dr Paterson: We are not pretty close. There is still plenty of time.

MS CLAY: At what point do you think that decision would need to be made given the budget funding cycles?

Dr Paterson: Hypothetical. I am actively working with the racing club, working with colleagues and will continue to receive advice on which pathway we go down.

MR RATTENBURY: Minister, you spoke about the economic impact report that is under the MOU. On ABC Radio with Ross Solly on 14 January, you said that as minister your primary focus as the new minister was to address online sports betting as it was one of the significant causes of gambling harming in the ACT.

That independent economic report you referred to, the *Economic and social impact of thoroughbred racing in the ACT*, states that 60 per cent of their economic contribution

comes from online sports betting and advertising. Do you think that by subsidising the racing industry the ACT government is in fact funding the very harm that you claim to be focused on reducing?

Dr Paterson: What I am focused on is working with clubs like the Canberra Racing Clubs, and other clubs, to diversify their revenue streams so that they are not reliant on online betting revenue or on poker machine revenue.

MR RATTENBURY: So, in the meantime, the subsidies being provided are clearly amplifying those harms.

Dr Paterson: It is the same as the revenue from poker machines. There is a whole lot of economic implications of that revenue, and that is why we have a long term 20 year plan to reduce the number of poker machines and transition the club sector away from a reliance on gaming revenue. I view the Canberra Racing Club in exactly the same lens, and that is why their development proposals and what they want to see in the future of Thoroughbred Park is exactly what we want to see.

MR RATTENBURY: So, if you are so focused on gambling harm, will you be advocating, when the MOU comes up for renewal, for that MOU to continue?

Dr Paterson: As I said to Ms Clay, that will be a consideration in the future.

MR RATTENBURY: I was interested in your comparison with the poker machines because the ACT government does not fund poker machines, but they are funding the horse racing industry.

Dr Paterson: Well, I believe there is a MOU that supports the horse racing industry, and I also think that there is a whole range of aspects of both forms of gambling—the revenue from both forms of gambling—but ultimately, I think that clubs make a significant contribution to our economy and we will work with both sets of clubs, Canberra Racing Club and Canberra Community Clubs, in terms of their transition.

MR RATTENBURY: The memorandum of understanding you have with the horse racing clubs last year delivered them around \$8 million. By contrast, the Gambling and Racing Commission confirmed to this committee on Friday that the value of their MOU with Access Canberra to prevent and reduce gambling harm in the community is \$5.9 million a year. Do you think it is appropriate that the ACT government gives more money to the gambling industry than it gives to the gambling regulator?

Dr Paterson: I think that is apples and oranges. As we have said, the economic impact of the MOU is over \$100 million in economic contribution to the ACT.

MR RATTENBURY: Of which mostly is online gambling.

Dr Paterson: Sure, but the Gambling and Racing Commission does not produce an economic impact for the ACT. It is a very different thing that you are comparing.

MR RATTENBURY: I guess what I am trying—no, what I am comparing is government expenditure. On one hand, government is giving money to a user that

largely generates economic benefit from online gambling, and on the other hand, the government is giving significantly less money to the people that are meant to deal with gambling harm, and you are overseeing that.

Dr Paterson: And you did too.

MR RATTENBURY: I have been very clear in my opposition to the funding for the gaming industry. I was not the minister responsible for it. You know that.

Dr Paterson: I am very supportive of the work the commission is doing, and I will look to support their work going forward, but I do not believe it is an appropriate comparison.

MR RATTENBURY: Minister, did you just mislead the committee over suggesting that I had responsibility for the MOU?

Dr Paterson: No, you were responsible for gambling policy.

MR RATTENBURY: Yes, but not the MOU which is what I was asking about. Would you like to correct the record?

Dr Paterson: I will correct the record.

MR RATTENBURY: Thank you.

Dr Paterson: But as I said you are comparing two completely different things.

MR RATTENBURY: No, I am comparing the expenditure of government money.

Dr Paterson: Well, we disagree then.

MS CLAY: You have mentioned the diversification of the horse racing industry's funding sources a few times. I will be asking further questions of other ministers on this. I understand that not all of this is within your responsibility, but the MOU is, and you seem to be suggesting that the diversification of their revenue is one of the key factors in whether or not you would support or not support a new MOU. We did hear from—

Dr Paterson: I did not say that by the way. I am very supportive of the work that the Canberra Racing Club is doing to diversify.

MS CLAY: Sure. Have you seen any update or progress on the diversification in terms of Thoroughbred Park, or are you talking about other diversification? What diversification have you seen an update on recently?

Dr Paterson: They have been looking to hold significant other types of events there. They have improved their bars. They have their car show that has been incredibly successful. So, looking to bring events to Canberra. As we have already talked about, and has been in the media, they are looking to develop their site.

MS CLAY: The Chief Minister did indicate very clearly in annual reports estimates

that the government would not be entering into a joint venture at that point in time. I am assuming that there is no joint venture on the table with government at the moment for redevelopment there?

Dr Paterson: You need to ask the Chief Minister that question. I have responded.

MS CLAY: Are you across what they are doing? Do you know where their plans are for development?

Dr Paterson: I am the Minister for Gaming Reform.

MS CLAY: Sure, but you are talking about how they are diversifying. Do you have any realistic sense of whether they are progressing in that development plan if you are talking about it?

Dr Paterson: You have to ask Thoroughbred Park.

MS CLAY: So, it is purely a hypothetical thing that you are reading about in the papers? You do not have any information on that?

Dr Paterson: I do not understand what you are trying to get at.

MS CLAY: You are talking about their progress in diversifying their revenue and you are talking about their development, and when I ask you where they are up to on that development, you do not seem to be able to tell me. I am just trying to find out.

Dr Paterson: I also do not know what events they have booked in the next six months. You can ask the Canberra Racing Club those things.

MS CLAY: Do you have any indication of how much revenue those things are raising for them?

Dr Paterson: No.

MS CLAY: Have you asked?

Dr Paterson: I have not asked that question directly. You can.

MS CLAY: Okay. Sure. So, you know that there is some diversification of revenue but you do not have any sense of how much money that might be raising?

Dr Paterson: No. I do not hold the economic reporting of Canberra Racing Club or any other club in my head.

MS CLAY: You can take things on notice too, it is okay. I am getting a little concerned about timelines and I do not think budget timelines are an entirely hypothetical matter. Noting that we all know when the budget is, the next MOU expires in 2027, so if there is another MOU it would need to be in next year's budget. We all understand that that means if there is going to be more MOU funding that treasury would probably be working that up around the end of this year. Does that sound like the sort of budget

cycle that usually happens, that if there is going to be more MOU funding treasury would be working that up in December this year?

Dr Paterson: Well, I am glad that you are really concerned about the timeframes, but I am not. I will seek advice and we will have these discussions in government and in cabinet going forward. I am not concerned about the timeframes. We have got time to discuss this and to work this out.

THE CHAIR: Minister, can I just be clear. Are you taking on notice what the timeframes are?

Dr Paterson: No, I am not. I am not taking it on notice.

THE CHAIR: Or are you saying it is not a matter that you are considering?

Dr Paterson: No, this will be a matter that the government considers. It is not a matter that I am actively considering right at this point in time.

MS CLAY: Can I ask you to take on notice what the timeframe is for this decision-making process?

Dr Paterson: Well, 2027 is when the MOU expires.

MS CLAY: I understand that, but if—

Dr Paterson: That is the timeframe.

MS CLAY: Government cannot make a budget decision the day before that, unless you pass a fairly extraordinary out of session budget bill. Is it possible for you to provide a timeline of that decision making process?

Dr Paterson: The decision making process will begin before 2027.

THE CHAIR: That is probably as far as we are getting on that one.

MS CARRICK: The financial statements of statement D are on page 41. I was wondering about the appropriation that seems to be dropping. It is \$465 million this year and then it goes down to \$429 million in the out years, 2028-29. Do you know why that is, that it is dropping like that?

Ms Cheyne: I might invite Dragana, our CFO, who is outstanding in her knowledge of the budget situation.

Ms Cvetkovski: I have read the privilege statement and acknowledge it. Sorry can I just refer—

MS CARRICK: Page 41, I think it is. Yes, 41. The controlled or current payments, I assume that is the appropriation, appears to be declining over the forward estimates, and I was just wondering if you knew what that was about?

Ms Cvetkovski: Yes. In the 2025-26 budget, rent and outgoings for all of our properties have been removed from our appropriation and are actually showing now against a different line, which is under grants and contributions income. What that means is that Infrastructure Canberra will be managing all of our properties on our behalf and will be recording that as resources received free of charge. So that is why appropriation is decreasing. That is the majority of the change. There would be some budget initiatives that are ceasing in the next few years, especially, I guess, as the latest budget decisions were covering only one or two years funding, so obviously there will be a decline from those. I do not have with me an exact list of those but we can provide that tomorrow.

MS CARRICK: Yes if you just take on notice the items and the amounts that have transferred away from that appropriation line, that would be great. Thanks.

Ms Cvetkovski: No worries. Will do.

MS CARRICK: On page 42 there is a line that says 'lease liabilities'. What are those leases?

Ms Cvetkovski: The main component of that is public-private partnership, so it is our new courts facilities.

MS CARRICK: Okay. Yes, thank you. I wanted to ask about the infrastructure program. It is \$58 million last year; \$39 million this year and it drops down to two million in 2028-29. Why is that and are you assuming that there will be more commitments as the years roll by that will fill that?

Ms Cvetkovski: Are you referring to page—

MS CARRICK: Page 40.

Ms Cvetkovski: Forty. So that is total works in progress.

MS CARRICK: Yes. Well, I am really looking at the total infrastructure program.

Ms Cvetkovski: Yes. The reason it is declining is that it is the reflection of the sum of the projects above. So we have projects that will finish in the next few years and the table above shows you by project when they finish. As they finish obviously the funding would drop. Whether we will have future funding for other new projects, that is obviously up to government consideration in the future, but as I said, this is the reflection of the current state.

MS CARRICK: Yes, because I assume you have a fairly big infrastructure pipeline with the police stations that needs to come online. I do not know if the emergency ones are in here in your portfolio.

Ms Cvetkovski: Yes, so what is reflected in here is what has been appropriated already through the budget process. It does not reflect any future potential needs that we might have in the infrastructure world.

MS CARRICK: Okay, so as the years roll by, we will expect more commitments to

fill those years up?

Ms Cvetkovski: That will be up to the government to decide which way that goes, yes.

Mr Johnson: I have read and understand the privilege statement. Sorry, Ms Carrick, just also to add to that, I think when you are talking to the police station particularly, we have a couple of projects that have gone to Infrastructure Canberra as well. So the funding line for the future will go to Infrastructure Canberra to deliver projects that are being delivered by Infrastructure Canberra, instead of prior to Infrastructure Canberra's time, when we would have carried the cost of the capital within our budget.

MS CARRICK: I know. Interesting you should say that because it is the same situation in Infrastructure Canberra because the Molonglo Valley Police Station is there on page 22 in statement G and it has planning money of two and a half million, which does not really get you very far, and there is nothing in the outyears.

Dr Paterson: Ms Carrick, if it is relating to the police station, we could have this discussion with ACT Policing this afternoon.

THE CHAIR: Next session.

MS CARRICK: Yes, okay.

Ms Cheyne: Perhaps if I could just make a general comment, as well, Ms Carrick, regarding when we have funding for the planning of something. The planning of it usually then gives us what the envelope is going to be for the delivery of the project and so to include a number in the budget papers would just be hypothetical, you know, taking a stab in the dark.

MS CARRICK: Yes, I appreciate that.

Ms Cheyne: So that is why it looks like it just drops off.

MS CARRICK: I appreciate that, but I guess my point is, as a general statement, every statement I look at is the same. The infrastructure line drops off. There is \$265 million in contingency for capital works in the appropriation bills. I am not sure, is there any other contingency around for your items?

Mr Johnson: Sorry, in terms of—

MS CARRICK: Do you have any other contingency in the budget for when you make commitments that you draw it from, or will it be new borrowings? I guess that is a question for the Treasurer. I appreciate that, but the point is, across the ACT government the infrastructure spend drops off in every statement and there is only \$265 million that I can see and I suspect that as the commitments are made, it will add to the borrowings.

Ms Cheyne: So again we have infrastructure projects that will be completed but then we will have infrastructure projects that the government will make decisions about and then that will appear in the budget statements as capital funding for a new initiative.

The borrowings and how we fund those things and what contingency is applied to different initiatives is largely a question for the Treasurer and Infrastructure Canberra.

MS CARRICK: Yes, no worries. I appreciate that, but as you add borrowings, you add interest and everybody's expenses are suffering.

Ms Cheyne: Yes. Absolutely.

Ms Cvetkovski: If I can just add that individual projects would have their own contingencies embedded within the project and that would be reflected in these tables already.

MS CARRICK: Sorry, say that again?

Ms Cvetkovski: The individual projects would have contingencies allowed for within that project and that is reflected in these tables already, as appropriated.

MS CARRICK: Okay, even when it says zero in the tables?

Ms Cvetkovski: Do you mean in the future?

MS CARRICK: Yes.

Ms Cvetkovski: No, I am talking about the projects that have already been appropriated.

MS CARRICK: Yes. No, I am talking about the outyears and how it drops off and the impact when the commitments are made, the impact that it is going to have on those outyears.

MS TOUGH: I have some questions about the courts and the operating of the courts.

Ms Cheyne: I will invite Mr Wickham, who is the CEO.

Mr Wickham: Hello. I have read and acknowledge the privilege statement.

MS TOUGH: In the budget papers it talks about that the complexity is increasing across all jurisdictions in the ACT courts, but particularly criminal cases. We heard this morning from the DPP about the increasing workload, particularly in criminal matters. Trial estimates have increased beyond five days and Supreme Court finalisations seem to be the highest since COVID. What is driving this increase and are we seeing it across other states and territories?

Mr Wickham: I think the principal reason trials are increasing in length is the growing proportion of our caseload which involves sexual offences. So for example, in the last financial year we had 54 trials and of those, 38 involved sexual offences. Sexual offence trials, by their nature, are longer. Often they will involve prerecorded evidence from the complainant. So it will be that portion where a judge will be involved in that side of things and then that evidence will be replayed before the jury.

Those types of offences will typically involve a number of interlocutory applications as well. There might be applications around tendency evidence, coincidence evidence and severance of trials. I think just by their nature they tend to take longer. So, for example, in the last financial year, we had 13 trials which went for longer than two weeks. We had 33 trials which were longer than one week. I think that just reflects the complex nature of the jurisdiction.

MS TOUGH: You mentioned the prerecorded evidence. During COVID, there was a lot of work on audio-visual links and remote hearings, and now you have mentioned prerecording. Is this technology still being utilised across the courts?

Mr Wickham: Not so much across the courts. Particularly in criminal matters, there is a distinct preference that both judges and magistrates have for an in-court experience. Judges and juries will obviously make assessments of the credibility of witnesses, and I think there is a strong preference for having that in-person approach to hearings. Possibly for more routine matters, directions matters and civil matters, we can explore going back more towards having some remote hearings. I certainly know that ACAT does a lot more in that space than we presently do in the Supreme and Magistrates Courts.

MS TOUGH: Is there an appetite to go back to that in civil jurisdictions?

Mr Wickham: Those are matters for the Chief Justice and the Chief Magistrate. I would not want to pre-empt their views on that.

MS TOUGH: That is okay. It leads me to my next question, though, about accessibility at the courts. Over the last decade or so, courts have worked really hard at making it a more accessible environment for everyone in the community, whether that is a victim, an offender or other parties involved, including Aboriginal and Torres Strait Islander people and people with disability. You can now do prehearing tours in some situations. How has changing the operation of the courts improved accessibility?

Mr Wickham: We are very alive to the fact that, for a lot of people, coming into court is a very intimidating experience. Potentially, coming into court will be the worst day of a person's life. We do a lot of work with our staff on training around understanding that sort of dynamic. We have a therapeutic service which runs as part of the court. It focuses on people from linguistically-diverse backgrounds and Aboriginal and Torres Strait Island backgrounds. Our sheriffs are a very well-trained and welcoming presence as well. You mentioned some of the things that we are doing around that. It is very much front of mind in the way that we approach our clients.

MS TOUGH: I think this is my last bit on courts. What are your processes for dealing with feedback from the community and legal practitioners about their experiences in court?

Mr Wickham: We have a number of user groups where we receive feedback from the profession and various stakeholders. There is a series of standing committees which involve judges and registrars. That is a principal conduit for feedback that we get. Then there is the more ad hoc feedback that we get through people making complaints or people giving us feedback. We have a number of groups within ACT courts and the

tribunal which deal with that feedback. We have an operational leadership team which will routinely deal with feedback about how we can make our processes more efficient and more user-friendly. That is the principal feedback loop that we have.

MS TOUGH: Thank you.

MS CASTLEY: I have some questions about coercive control. Last year, the government decided to vote against criminalising coercive control. The explanation was that more time was needed to consider my response to the scrutiny committee. Is it fair to say that it was an excuse to vote against the bill and deny the opposition a win, even if meant opposing something that would better protect families at risk of domestic and family violence?

Dr Paterson: No; not at all.

MS CASTLEY: This year, your government agreed to criminalise coercive control. Could you explain why you have changed your position?

Dr Paterson: There is no formal position yet. We will come back to the Assembly with a response to the motion and we will report back. It is our intention that we will go down the path of criminalising coercive control.

MS CASTLEY: That was one of the direct calls-on that the Assembly agreed to.

Dr Paterson: Yes, and we will respond to that.

MS CASTLEY: Could you explain what putting it off until this year achieved for the government and what you did from last year, when I first started talking about it, until now. What has happened?

Dr Paterson: The government has always been focused on training our workforce to be able to understand and respond to coercive control.

MS CASTLEY: Did you start that last year?

Dr Paterson: Yes. That work started. There was \$375,000 in a coercive control training package which will provide frontline agencies, such as ACT Policing and courts, with money to train their staff around coercive control. Regarding coercive control, it was the view of community stakeholders at the time that there are significant risks around misidentification, and it was really important that, if we were to go down the path of criminalising, we would ensure that we have highly trained professional staff to be able to understand the signs of coercive control. This is very consistent with New South Wales and Queensland, who also did the same thing through their implementation taskforce. They sought to train their workforce first while they prepared the legislation and then moved to criminalise.

MS CASTLEY: I think it is fair to say that not all stakeholders disagreed with criminalising coercive control and the need to educate before legislating.

Dr Paterson: Ms Castley, no-one disagreed with it. What I said was that the view was

that it was important to have a trained workforce that understands the signs of coercive control so that, when we come—

MS CASTLEY: Which I was not asking for. It is okay. I understand your point. The March motion called on the government to report on progress within six months. Are you likely to achieve more progress by then? I believe that is just a few months away. We are four months in.

Dr Paterson: What do you mean by “more progress”?

MS CASTLEY: Do you have any more progress? Will there be much more in the next two months that you will be able to report?

Ms Cheyne: I think you are anticipating a government response.

MS CASTLEY: The government said that they would respond.

Dr Paterson: Respond to the motion in the Assembly.

MS CASTLEY: Yes. So how much more work do we have? Are there new education programs underway?

Dr Paterson: There is significant work underway, as I said, to train ACT police and our courts to understand coercive control. There is also work on the risk assessment framework in the ACT. That is something that will inform the information-sharing scheme. That is currently being updated to include coercive control. When we do go down the path of criminalising, we will have all the systems in place and everyone will be trained to be able to respond to this.

MS CASTLEY: Do you have any idea when legislation might be introduced?

Dr Paterson: That will be in the response.

MS CASTLEY: You talk about the risk assessment and looking at other jurisdictions. Has what you have discovered been much different to other jurisdictions? Looking at it with a Canberra lens, has the risk assessment and looking at what we are facing been any different to what the other jurisdictions have found?

Dr Paterson: No. Coercive control is generally agreed on across the country, in terms of understanding what it is. There have been significant national campaigns and state campaigns. We have just implemented an information campaign in the ACT as well. That is another part of the community education side of things that we wanted to do before legislating. Domestic and family violence is a continuing, shifting and morphing form of abuse. We are seeing more and more technology-facilitated abuse. We are seeing ways that perpetrators abuse people and children significantly complexify. We want to ensure that we are at the forefront of those types of abuse—understanding what they are, how they work and how we would go about criminalising them.

MS CASTLEY: Obviously the ACT is going to be no different. Why, as a progressive jurisdiction, have we been so slow on this? We know what it is like in Queensland. We

know it is similar in New South Wales, Victoria and Tasmania. What is different in the ACT that the government is so risk-averse to moving more quickly on this?

Dr Paterson: There has been significant work over the past five years in the ACT around addressing sexual assault and domestic and family violence. The work that occurred with the *Listen. Take action to prevent, believe and heal* report was significant and involved most of the community sector stakeholders, our courts and police, in terms of understanding how we would improve our response to sexual violence. That was a significant piece of work that most other jurisdictions have not done. We also had the police review on sexual assault, which we can talk about this afternoon as well. That was a significant groundbreaking and nation-leading piece of work. We should be incredibly proud of our police for going through that process and being incredibly transparent. We know what we need to do to improve our response. We will speak this afternoon around the new Family Violence Unit that has been stood up within ACT Policing. Significant work has been done to address this issue that, I would argue, other jurisdictions have not done.

MS CASTLEY: Of course, but we heard from the courts that, of I think 54 offences, 38 were sexual offences.

Dr Paterson: Exactly.

MS CASTLEY: It is crystal clear that it is a problem.

Dr Paterson: And it is a problem that is actually being increasingly—

MS CASTLEY: And there is a really slow response from the government on other reports.

Dr Paterson: No—it is a problem that is increasingly being addressed through our courts, which is why they have seen such an increase. This violence is occurring in the community and we are seeing more and more prosecutions. A whole-of-justice-system response is needed.

MS CASTLEY: How are you engaging with people on their experience of coercive control as part of your review process? Are you and your office meeting with stakeholders and people with lived experience?

Dr Paterson: Very much.

Ms Cheyne: Both of us.

Dr Paterson: Exactly. We have a roundtable on this in two weeks to discuss it with key stakeholders as well.

MS CASTLEY: Why have I been unable to get a briefing on coercive control?

Dr Paterson: Because the government is working through this. There is not much to say until we have the response in the Assembly.

MS CASTLEY: Is there an unwillingness to work with the opposition on this?

Dr Paterson: No; not at all. That is why we supported the motion in the Assembly and we are doing the work.

MS CASTLEY: So we just have to take your word for it? I understand. I have to wait for the report. I get it.

Dr Paterson: I believe that, in two months—in September—we will report back to the Assembly. A substantial amount of work was required through the motion, so we are working through that.

MS CASTLEY: Is there any reason the Assembly should not simply return the legislation that I introduced last year so that we can create defence? Can we have—

Dr Paterson: Our system is not ready yet.

THE CHAIR: Could I ask a couple of clarification questions, Minister. At the start of that line of questioning, you made the comment that the government does not have a position on the criminalisation of coercive control. How can you not have a position when all government members voted in favour of it?

Dr Paterson: We voted in favour of coming back to the Assembly with a position and a timeline for legislation.

THE CHAIR: So you do not have a position on criminalisation of coercive control in spite of—

Dr Paterson: Not a cabinet position.

THE CHAIR: Okay. Is anything built into this year's budget around criminalisation of coercive control?

Dr Paterson: This falls under the domestic and family violence portfolio, so I do not actually have the amounts. Oh, here we go.

Ms Cheyne: There was funding—Minister Paterson mentioned it before—in the 2024-25 budget.

Dr Paterson: There was \$375,000 for a coercive control package. There is also funding and—

THE CHAIR: If that predated this budget, that would not have been related to criminalisation, would it?

MS CASTLEY: That was just education.

Dr Paterson: Yes; that was around coercive control.

MS CASTLEY: That was education.

THE CHAIR: Minister, it would be really nice if you could respond to the questions asked, rather than trying to redefine them.

Dr Paterson: I appreciate that, Mr Cocks. I will take this on notice.

THE CHAIR: Minister, the question was in regard to criminalisation.

Dr Paterson: I will take this on notice. We will come back to the committee with the amount of funding to address coercive control. It does not fall under this portfolio.

THE CHAIR: Minister, once again, I am going to ask the question and I will ask you to try to not redefine it. The question is: can you provide information on any funding in the budget related to, specifically, criminalisation of coercive control?

Dr Paterson: Yes. There is money in the budget. We will get back to the committee. I will provide advice to the committee about what we are funding to address coercive control and criminalise it.

THE CHAIR: And, to be clear, that will include criminalisation?

Dr Paterson: Yes.

Ms Cheyne: Yes. Chair, I certainly note, from a whole-of-system perspective, that I truly do not believe that Minister Paterson was trying to reframe the question. The coercive control package is about education, but it is about training as well—about training police and training courts, and having them understand it before criminalisation. They are related. I appreciate that your question has separated them.

THE CHAIR: I certainly appreciate that they are related.

Ms Cheyne: Yes; I understand.

THE CHAIR: We will keep moving. Ms Clay.

MS CLAY: Thank you, Chair. Attorney, I would love to have a chat about the right to a healthy environment. I am very pleased that we have a new right to a healthy environment in our Human Rights Act. It is really good news. Can you tell me what directorates are doing at the moment to incorporate this right into their operations and their decision-making?

Ms Cheyne: I can. As you are aware, the right commenced on 17 March this year. It has been in place for a short period of time. ACT public authorities are now giving due consideration to the new right in their day-to-day work. Section 40B of the Human Rights Act requires that. It requires that decisions are made with regard to the Human Rights Act and to the rights that are legislated. That needs to occur across all of government. I understand that the directorate, together with the Human Rights Commission, has been working across directorates on what this means in a practical sense. Mr Ng can detail a bit of that and the Human Rights Commission can as well.

I note in particular that the Human Rights Commissioner and President, Penny Mathew, has been effectively undertaking a right to a healthy environment audit across all directorates and agencies to understand their understanding of it and also what they are doing about incorporating this right into their everyday practice, at whatever level it might be. I met with Dr Mathew yesterday. She is delighted with the International Court of Justice's decision about the right to a healthy environment and what that means in terms of giving us a pretty clear basis in international law going forward. She has read the judgement, I think, so she can tell you a bit more about that. It adds strength to our arm.

MS CLAY: That is great. Thank you.

Mr Ng: Thanks, Attorney. To add to that, from the directorate's perspective, one of the key activities that we have undertaken is the establishment of a human rights community of practice across government. It has been really well patronised. We established that in advance of the right to a healthy environment commencing and have continued it. In 2024, we had eight meetings, with officials from across the public service attending, and had five more in 2025. The right to a health environment has been a topic that has been discussed in those meetings on several occasions. From our perspective, it was really important to create a space for discourse and engagement across the service about how it will actually work in practice.

The other part which will manifest over time is that we have a structural arrangement where we advise the Attorney but also engage with agencies in relation to the scrutiny function on legislation that the government prepares. As part of that process, in the early stage we tend to get engagement from agencies about the type of law and law reform they are proposing. That is a really good feature for us to draw on in the early stage—to talk to agencies about what we think the engagements of human rights are, including the right to a healthy environment. Obviously, they will manifest more in certain spaces rather than in others. We work with them all the way along the policy development and legislative development process, right up to when we advise the Attorney about whether the bill is, in our opinion, compatible with human rights. There are those two streams of activity happening from our perspective.

MS CASTLEY: That is great. I am familiar with the compatibility statements on legislation. We see those through the Assembly. A right to a healthy environment will probably have significant implications in the planning area. Is the Planning Authority involved in some of this training work that is happening?

Mr Ng: Yes. We certainly put out the call across the public service. We do not know how many and which officials have attended training. I do not have that to hand at the moment. I should have added as well that, in 2024, we ran a few bespoke training opportunities which we publicised around the public service. All members of the public service are invited to attend those.

MS CLAY: Would you be able to take on notice what the Planning Authority's interaction with this has been? Is that okay?

Mr Ng: Yes; I can take that notice, Ms Clay.

MS CLAY: That would be great. Thank you. I do not know, because it is new, whether it will have an impact on budget decision-making. Legislation will not necessarily have an impact on your right to a healthy environment. It is about government programs and what government is doing. Will it be involved in the budget decision-making process?

Ms Cheyne: Directly, no. Indirectly, yes. As jurisprudence has developed and since the human rights complaint mechanism function began, the Human Rights Commission has received about a hundred complaints. I do not know the breakdown of complaints about the right to a healthy environment, but they will be able to tell you on Monday. That will start to identify whether there are any systemic issues or there are some areas where we need to take a different approach to ensure that we are behaving consistently with the right. As we made very clear from the beginning, the nature of and our understanding of the right is evolving and we want to bring everyone along with that. The Human Rights Commission, with their amazing complaints team, are exactly the right place to start with that, particularly given their conciliation function, which sometimes doubles as an education function for public authorities.

MS CLAY: Would you expect that the funding proportion of the budget that was spent on climate and the environment might change over time as a result of this right?

Ms Cheyne: I would love to give you an answer, Ms Clay, but it is anyone's guess.

MS CLAY: Absolutely fair. The enforcement options change on this right in 2028 and then there are enforcement options against government. Is any funding yet allocated for directorates to prepare for that change?

Ms Cheyne: First of all, it is subject to a review. The review needs to occur in, I think, 2027. That is the process which will bear out exactly what might be needed for this enforcement function.

MS CLAY: So you would expect the review to happen and for that to be published, and then you would look at funding options for enforcement. Thank you.

THE CHAIR: I want to turn now to clubs and gaming policy. The government's policy is to achieve a cap on poker machine authorisations in the ACT of 1,000 machines or fewer before 1 July 2045, which is a reduction of 500 machines per term of the Assembly. What modelling has been done on the financial impact of this policy on the club industry?

Dr Paterson: That is a great question. That is why we have the clubs inquiry. The clubs inquiry will do the modelling on how we will create a sustainable clubs sector as we transition down to 1,000 machines.

THE CHAIR: So there was no modelling done before that policy decision?

Dr Paterson: This is a harm reduction policy, based on the fact that access and supply of poker machines increases harm. This has been a government policy since, I think, 2018, when the first surrender scheme happened. There have been subsequent surrenders since then. What we went to the election with was that we will continue that policy of 500 machines per term to 2045.

THE CHAIR: At no stage have you undertaken any of this modelling?

Dr Paterson: The objective is to reduce the number of machines in the territory.

THE CHAIR: I understand that, Minister. What I am trying to find out is whether you have done any modelling.

Dr Paterson: On what?

THE CHAIR: As I said at the start, the financial impact of the policy on the club industry.

Dr Paterson: We know there will be financial implications, which is why we are establishing an inquiry to look at what those financial implications are and look at how we will build a sustainable clubs sector, or will work with the clubs sector to see that they are sustainable into the future.

THE CHAIR: Minister, I appreciate the talking point response. You said you have had this policy in place for a long time. At any time in that period, have you undertaken any modelling of the financial impact on clubs?

Dr Paterson: It is based on the level of harm in the community and wanting to see a reduction in the level of harm. We know that the supply of machines in the community is—

THE CHAIR: Minister, that is not a response to the question.

Dr Paterson: We have had a government policy over the last two terms to reduce machine numbers, which we will continue to do, and the objective is to reduce harm in the territory from poker machines, and we—

THE CHAIR: I understand the objective.

Dr Paterson: Yes—so we went to the election last year with a comprehensive policy to see machine numbers reduce to 1,000 and to conduct an inquiry into the clubs sector and the sustainability of the clubs sector, which will include a transition plan. It will look at the economic implications of the reduction to 1,000 machines.

THE CHAIR: Minister, I will try one more time because you have not answered the question that I have asked. I appreciate the policy objectives and what you went to the election with. It is a very simple question. You can take it on notice if you do not know the answer now. Has the government undertaken any modelling of the financial impact on the clubs sector—

Dr Paterson: From 2018 onwards.

THE CHAIR: Yes.

Dr Paterson: I will hand over to Mr Ng.

Mr Ng: I would have to take that on notice, Mr Cocks.

THE CHAIR: Thank you. It was a long way to get there. Perhaps you will need to take this on notice: per term of the Assembly, what impact of the policy has been modelled as to the loss of poker machine tax revenue?

Dr Paterson: I will take that on notice.

THE CHAIR: Thank you. Clearly, the government committed at the election to the establishment of a community clubs diversification team in the ACT government that will apparently provide clubs with a single point of contact to interact with ACT government directorates and agencies. What has been done to establish this team?

Dr Paterson: That is a priority of the government. We heard very much last term that it was something that the clubs felt they really needed to support them. That sits under the planning minister, so you will have to ask Minister Steel where progress is up to on that.

MR RATTENBURY: Given it is a priority of government, is it funded in this budget?

Dr Paterson: You will have to ask Minister Steel.

MR RATTENBURY: You do not know?

Dr Paterson: No.

THE CHAIR: As the minister responsible for gaming policy, would you have no interest?

Dr Paterson: I have great interest, but that responsibility sits under Minister Steel.

THE CHAIR: The responsibility for the implementation of the specific measure?

Dr Paterson: Yes.

THE CHAIR: But, from a policy perspective, you have no visibility of where things are up to?

Dr Paterson: No.

MR RATTENBURY: You did not bring a joint budget submission as the two relevant ministers?

Dr Paterson: That position may fit under existing government resources, so it may not have required a budget submission.

Ms Cheyne: Such as in the previous term.

MR RATTENBURY: I do not understand your point, Minister.

THE CHAIR: I assume, then, that questions about support for master planning of club sites and a social impact assessment by clubs would also be under Minister Steel?

Dr Paterson: Yes—Minister Steel.

THE CHAIR: I am happy to move on at this stage.

MR RATTENBURY: I have a quick supp while you think about your next step. Minister, are you able to point the committee to any stakeholders that recommended the position of 1,000 poker machines in the ACT?

Dr Paterson: We heard from many stakeholders about wanting to see machine numbers reduced in the ACT. ACT Labor went to the election with a continuation of the existing government policy that you oversaw.

MR RATTENBURY: No—I asked specifically: did anybody in particular recommend to you a position of 1,000 machines, as the desired position in the ACT?

Dr Paterson: The desire was to continue with the government policy to reduce machines at this rate.

MR RATTENBURY: Sure, but you specified a particular end point?

Dr Paterson: Yes.

MR RATTENBURY: Is there any stakeholder or academic research that points to that particular end point?

Dr Paterson: No. It is a continuation of government policy.

MR RATTENBURY: Thank you.

MS CARRICK: Minister, will there be an assessment or will it be part of the review that is looking at the need for funding in order for clubs to diversify? We have some small clubs that will probably struggle and we have some very big ones that—

Dr Paterson: Yes. It is a very diverse environment. It is exactly that: some of the smaller clubs will really struggle. The big clubs are quite self-sufficient. That will be looked at through the clubs inquiry. That will be a key part of what they look at: the sustainable future of clubs of all sizes.

MS CARRICK: Do you look at the community contributions that the clubs provide and ensure that they are meeting their requirements?

Dr Paterson: Yes. I will seek some advice. Was the question: are the clubs meeting their requirements for community contributions?

MS CARRICK: Yes—to provide funding to community organisations.

Dr Paterson: That is one for the Gambling and Racing Commission. Access Canberra is on tomorrow. The commission will be at the hearing and they will be able to answer that question.

MS CARRICK: Thank you. There is your policy to reduce the number of poker machines, which will reduce poker machine revenue. Have you modelled the impact on the community, regarding community grants? Presumably they will reduce.

Dr Paterson: Yes. It will be part of the clubs inquiry. Over time, there will be a reduction in community contributions, so it will look at how that might impact.

MS CARRICK: And whether the government might have to pick up some of the support for community groups?

Dr Paterson: Yes.

MS CARRICK: Thank you.

THE CHAIR: I want to run through a few things. I want to find out whether you are actually responsible or have a role and also where they are up to. Firstly, the policy for the establishment of an innovation fund for clubs that provides seed funding to support diversification.

Dr Paterson: That will follow the inquiry. That is what we will look at doing.

THE CHAIR: Is that within your responsibility?

Dr Paterson: Yes.

THE CHAIR: Thank you. Secondly, the election commitment for support for workers employed by community clubs and a focus on mandated training.

Dr Paterson: Most of these commitments are dependent on the outcomes of the inquiry. We will look at what the outcomes are, in terms of where clubs will likely need support, where diversification funding money needs to go, and how that is best allocated through different types of clubs, as—

THE CHAIR: In the interest of getting to everyone, it sounds like the answer is that it does sit with you—

Ms Cheyne: Nothing to say until the—

Dr Paterson: Nothing to say.

THE CHAIR: What happens with that depends entirely on the next step?

Dr Paterson: Yes.

THE CHAIR: Thirdly, the plan announced during the election for introduction of mandatory account based cashless gaming—

Dr Paterson: That work is underway.

THE CHAIR: And, fourthly, what modelling or investigation has been done so far to determine the cost of the proposal.

Dr Paterson: The clubs will bear the cost of the implementation of cashless gaming. There is currently significant work underway to look at how cashless gaming will be implemented. We have established a working group to talk to key stakeholders about how we progress this and look at the key issues. That working group has had one meeting. We have another meeting coming up. Ultimately, we will look at developing legislation and introducing legislation to see the implementation of cashless gaming by 2026-27.

THE CHAIR: Is there any progress on specifically modelling the costs?

Dr Paterson: We will not model costs for that. That will be—

THE CHAIR: You will not actually model what the cost of introducing it is; you just say that the clubs will bear the cost?

Dr Paterson: We have been clear about that. The clubs will implement cashless gaming. We, as the government, will provide a regulatory framework. This will provide the framing for how cashless gaming will be established and what the requirements of the cashless gaming system are, and the clubs will need to implement it.

MR RATTENBURY: Minister, Mr Cocks just asked you about a series of commitments and you said they were subject to the inquiry process.

Dr Paterson: Some are; some are not.

MR RATTENBURY: I do not mean to misquote you. Does that mean they are not necessarily commitments? They may not, in fact, be implemented if the inquiry so finds?

Dr Paterson: No; it is a commitment. Cashless gaming—the implementation—

MR RATTENBURY: No—I mean the other ones you were talking about earlier. Mr Cocks asked you about a series of policy positions and you said they are subject to the outcomes of the inquiry.

Dr Paterson: Yes. The amount in a diversification fund or how a diversification fund would be established will be outcomes of the clubs inquiry. We will wait to see what that inquiry recommends and how it recommends establishing that so that we can better support clubs.

MR RATTENBURY: You said that the cost of implementing a cashless gaming system will be borne by the clubs. Would you anticipate the government needing to give clubs any tax concessions or similar measures?

Dr Paterson: That would be a matter for consideration. I have not considered that. We are focused on supporting clubs to diversify. That is where—

MR RATTENBURY: Sure. You are also talking about legislating a requirement.

Dr Paterson: Yes.

MR RATTENBURY: You do not have a financial model for that yet?

Dr Paterson: No.

MR RATTENBURY: Thank you.

Dr Paterson: It will be up to the clubs to implement it.

MR RATTENBURY: I want to ask about the implementation of electronic monitoring and where that is up to.

Dr Paterson: That is for Corrective Services. That is for tomorrow's hearing, if that is okay.

MR RATTENBURY: No problem. Can I ask about the government's position on repealing section 435 of the ACT Crimes Act?

Ms Cheyne: You sure can.

MR RATTENBURY: What is the government's position on that?

Ms Cheyne: We are about to go out for consultation with stakeholders on a preferred approach. I will have a brief this week.

MR RATTENBURY: Terrific. Thank you.

MS CARRICK: I want to go back to justice. We heard this morning from a couple of agencies that they are struggling with their funding. Does the government have any intention to look at their funding base, with a view to potentially increasing it?

Ms Cheyne: Ms Carrick, that is a broad question and a specific one too. I will do my very best to answer it. The starting point is that, absolutely, it has been evident across multiple years that we are seeing a trend of increases in workload, complexity of workload, changes to legislation and changes to some approaches and some policies. One of the starkest increases that we have seen—the DPP explained this very well this morning—was in response to SAPR, with police resourcing and reopening some sexual assault cases. That has created a flow-on effect through the rest of the system.

I think the point that the DPP made is the same for multiple parts downstream of the justice system. They do not control their workload. If more charges are laid, it puts pressure on a lot of parts of the system. Similarly, the coronial system cannot really determine who, what or how they might have passed. In some years, there might be a whole lot more coronials or a lot less, and that again starts to create pressure in other

points in the system. I think it is fair to say that, with the policing increase, while absolutely necessary—and with the benefit of hindsight, having a deep-dive across the system and from what people are telling me across the legal sector, and perhaps deliberations about the funding resource—some broader consideration about the flow-on impacts would have been helpful. Hindsight is 20-20.

The DPP, Legal Aid and others have commented on this. There is some short-term initiative funding. Some of that is to plug gaps and some is to increase some of the resources that are required. They are drawn from a range of funding pools. Effectively, I have come into an area that has, across the board, some structural issues in terms of caseload versus funding. In the short time I had available before we entered the budget process, we just looked at what we can do to deal with the main pressures on our legal profession. We need to do a lot of work: if we touch this, what do we need to do elsewhere in the system? That goes to our community service providers as well, like DVCS.

I absolutely accept the points that have been made about a shortfall and that we need to look at how we are doing everything, but I can also see where there are some efficiencies to be gained. Those are some of the conversations I have been having across the sector. There is limited capacity for some of our agencies to offset any further funding, because they are effectively frontline services. But we can find where there are issues in the system that mean something is being duplicated or taking longer, or whatever it might be. That body of work is about to get underway in earnest.

MS CARRICK: What sorts of timeframes would you look at? Would it be the whole of government—bringing in everybody who is relevant? And what sorts of timeframes would you be considering? It would be nice to bring it to the next budget or even the half-year review.

Ms Cheyne: That would be lovely, but it is a considerable body of work. Ms Tough asked some questions of the DPP as well that I thought drew out some of those issues. If you look at investing in some areas, you need to make sure that it is commensurate with some of the other changes that you are expecting to see. There are often hidden costs of our legislative changes and our policy changes. We need to start looking at how we can better define the funding that is needed and what some of those administrative costs are that we do not otherwise capture, to really understand what a sustainable funding model is for a profession that is dealing with increasing complexity on a daily basis. The short answer about timeframes is that I do not know, but there is clearly an issue. It is an issue that I have effectively inherited. I would say that multiple A-Gs before me inherited it as well. You can see issues right back through the annual reports.

MS CARRICK: Thank you.

MS TOUGH: I have some questions about what the Parliamentary Counsel's Office does.

Ms Cheyne: We will invite Ms Kimber to the table.

MS TOUGH: I want to ask questions about things that I have not really been exposed to yet.

Ms Kimber: I have read and acknowledge the privilege statement.

MS TOUGH: Thank you. I want to start with the Legislation Register. I find it really easy to navigate and a wonderful resource. I understand it was affected by the whole-of-government IT outage earlier in the year. That had more effect on some agencies than others. How did the Parliamentary Counsel's Office respond to the issue, and what business continuity did you have in place?

Ms Kimber: Thank you for the question. The register, as you might be aware, is the authorised electronic statute book. In the ACT, it is the means by which laws are given legal effect. It is important that we have that continuity. What we have in the Legislation Act, which establishes the register, is a means by which laws can be notified if there is no ability to notify it on the register. In this instance, while we were not able to publish the laws on the register, we also have our own website. We exercised that power, and that is the first time we have had to. We were able to publish a number of acts, as well as a number of instruments, on that site that had been passed in the Assembly. The issue was resolved within a reasonably short period of time, and certainly within the period of time that we needed to put up republished versions of the law. We were able to ensure that with the acts.

MS TOUGH: Wonderful. So everything was able to continue—

Ms Kimber: Yes. We were able to have that workaround. In the event that there is a whole-of-IT outage, it is essentially for the Parliamentary Counsel to decide. One of the examples in the act is that we could stick up a copy of the law on the Assembly front door. That is an option.

MS TOUGH: I hope to never see that, but it is good to know that there is some kind of—

Ms Cheyne: I want to see it. I really want to see Ms Kimber knocking on the door!

MS TOUGH: I am glad to know that there are provisions in case something like this, which has a wider impact, happens again. Going back to my comment about it being easy to navigate, I guess that has been the work of a number of years and is a long project, having looked at some other registers across the country.

Ms Cheyne: Ours is the best. I am not biased; it genuinely is. I cannot navigate those of other jurisdictions.

MS TOUGH: I have a lot of experience in navigating the commonwealth register, so I quite enjoy the ACT one as well. What feedback have you heard over the years, and what changes have you implemented to get to this point?

Ms Kimber: Our register was initially put up in 2001. I could not give you the exact date, but a number of years ago we ended up with a legacy platform. We had to undertake a project to refresh it. It had been leading at the time. We run annual surveys and seek feedback. Those surveys will be on the register and available to the public. We also advertise to particular groups, such as law librarians, the Law Society, the Bar

Association and the public service throughout the ACT. We will always look at the responses that we get from that. We are looking at ensuring that, if you go to a particular page for a law, you can see the principal law, all of the laws that were made underneath it, links to the bill, the ES, the *Hansard*, the scrutiny report and a range of other information that is often associated. It is all identifiable there.

Ms Cheyne: And the history.

Ms Kimber: Yes.

MS TOUGH: That is also very handy.

Ms Cheyne: It is extremely helpful when you ask, “Why we are here?”

MS TOUGH: Yes.

Ms Kimber: The search functionality remains a key aspect that people are very interested in. That is something that we often think about refining.

MS TOUGH: It is wonderful to hear about the yearly surveys. That is great. Another part of the role of your office is drafting. I imagine it takes some pretty specialised skills to do that drafting. What trends have you seen with requests from directorates and private members for drafting?

Ms Kimber: In terms of the types of laws or—

MS TOUGH: Yes—the amount of drafting for private members compared to, say, the government and if it is disproportionate between government and private members, in terms of where the draft bills then go—whether they become law or are abandoned.

Ms Kimber: For the ACT, I have some statistics over the years—certainly private members’ work. Since 2013, for example, I think 71 private members’ bills have been presented. What we notice in the ACT, and it is probably unique compared to other jurisdictions, is that almost 50 per cent of those were passed. Other jurisdictions will perhaps have a significantly higher number of bills, but they—

MS TOUGH: A significantly lower number that actually pass into law?

Ms Kimber: Yes. For example, in the commonwealth, only four per cent passed. In the Northern Territory, none have passed. The work that goes into private members’ bills changes. There is also the issue of the complexity. A large number of the bills that we have drafted for private members have had medium or high complexity in the assessment that we have undertaken. For other jurisdictions, I am not sure, but you would imagine that they may very well be less—

MS TOUGH: I can imagine, if we have 50 per cent of private members’ bills passing, which is a pretty good number, how that goes onto your workload. A government directorate would have a policy and legal team behind it, compared to a private member who might just be an individual or in a smaller group of people, so I assume you would put a lot of effort into private members’ bills.

Ms Kimber: Part of what instructors often need to do is identify what the key issues are and work through a policy—what we can instruct on. There can be some additional work. But we also have limits on the drafting advice we can give versus, say, legal advice and policy advice, which are not matters that we would deal with.

MS TOUGH: Thank you, and thank you for all your work too. I think that covers all my questions.

Ms Cheyne: Unsung heroes, but now you have been sung!

THE CHAIR: I want to check on the length of time required for the PCO to work on a private member's bill. Is there anything that can happen along the way that means that the timeframe is extended?

Ms Kimber: Certainly. We have been trying to identify the factors that would impact or indicate how long a piece of legislation might take. Those principles probably apply quite equally across the board, depending on whether it is a government bill or a private member's bill. We have developed some guidance on how long a low-, medium- or high-complexity bill might take and the sorts of factors that might influence that. While that has been developed with government bills in mind, there are many principles that are relevant to any piece of legislation. Things that might influence that include, for example, when consultation is to happen on the draft of a bill or if there is a significant change in approach as a bill is being developed. A range of factors might influence how long a piece of legislation might take.

THE CHAIR: Do you have a lead time that is required before a private member's bill can go through—a standard one?

Ms Kimber: Not for the production of the final version of any bill. What would be achievable in the circumstances would be a matter of discussion with the private member. There are our key performance indicators in relation to timeliness associated with response once a request has been received—for example, initial instructions. There is a 30-day response time, and then, on each occasion that further instructions come in, there is a 30-day response time. That is our timeliness performance indicator at the moment.

THE CHAIR: If the government, in the meantime, wishes to do something urgent, does that essentially trump the work on private members' bills?

Mr Kimber: Government work will always need to be prioritised in order to meet their program, but we find that we will often deal with multiple jobs at any one time. We may have a very quiet period and suddenly all the instructions come in on one day. We are always juggling theme.

Ms Cheyne: The PCO has been doing a bit of an education function with their Attorney about how long some things take. My expectations are sometimes wildly off!

THE CHAIR: I imagine that is probably consistent across a few of us.

Ms Cheyne: It might be, but I appreciate the kindness with which they provide their advice.

MS TOUGH: You said the number of private members' bills since 2013 was 71.

Ms Kimber: Yes.

MS TOUGH: Is it roughly the same every term or have they been increasing? Do you know?

Ms Kimber: I think I have some figures on that as well.

MS TOUGH: I am happy for you to take it on notice if you do not have it at hand.

Ms Kimber: It is derived from the register. We were doing some analysis and saw that the composition of the Assembly will definitely have an impact—where there is a higher number in the crossbench, for example. There are trends in the number of bills presented versus bills passed. The aspect that I have not mentioned, because there are no readily accessible stats on the register, is around Assembly amendments that we draft. They can vary very much.

MS CLAY: I thank the PCO for their excellent work. The Greens collectively are sorry for our contribution! I have a question about the independent planning advisory service. Is that for you, Attorney?

Ms Cheyne: Yes.

MS CLAY: Great. In May 2024, a tender was issued to engage a consultant to establish an independent planning advisory service. I understand the tender was unsuccessful. Can you tell me where we are up to in that process now?

Ms Cheyne: It has effectively been abandoned. There were two tender processes and both failed to have anyone tender for them. There are only so many times that you can try when you have that sort of funding available. Without an appropriate service offering coming forward, it would probably be a bit foolish for us to keep trying and getting the same outcome.

MS CLAY: Do you think it was a lack of funding?

Ms Cheyne: No. There was—

MS CLAY: Do you have any understanding of what the problem was?

Ms Cheyne: No, because, by not receiving any tenders, we do not have anyone to ask.

MS CLAY: Fair enough. There is a free heritage advisory service provided by Philip Leeson Architects. That is really well-used in Canberra. It helps people who have heritage listed properties and want some advice to work out things like alterations and additions. Having sat through a committee inquiry last term on how people would put solar panels on their heritage listed buildings, there is a pretty big call for this kind of

thing. I do not know whether you had any conversations with that organisation or with anybody else who may be offering a service, to see if there was something wrong with the structure of the advisory service or with the funding available.

Ms Cheyne: I will ask Ms Marjan to come to the table. Having inherited this, I do not know.

Ms Marjan: Thank you for your question. I think you are going to some of the existing services out there.

MS CLAY: Yes. There is one. There is a free heritage advisory service provided by Philip Leeson Architects. There might be more, but that is one we are aware of. I am wondering whether the original idea for the planning and advisory service was to help people navigate the planning system? I could see a lot of benefits for it back then; I can see even more now. We have a brand new planning system and we hear a lot about delays and complexities, so I would imagine the need is even greater. Has anyone in government had a chat to maybe that advisory service or done any proactive scoping? Was it just a matter of putting out a tender and not getting any responses?

Ms Marjan: Thank you for your question. I have read and acknowledge the privilege statement. As part of that work, initially, when government agreed to establish an independent planning advisory service, a considerable amount of consultation was done with a number of planning groups in the ACT. I do not recall whether it was exactly that service, but a number of consultation activities were done to understand the need and to understand what could be useful for those who need that service. Certainly some work was done, and additional work was done by a consultancy as well for the ACT government to assist in co-designing what the service could look like. As the minister outlined, unfortunately we did not receive any responses through the procurement process.

MS CLAY: Thank you.

MR CARRICK: How much was the tender for?

Ms Marjan: It was in the 2023-24 budget and funding for two years was provided. There was \$255,000 for that service. There was also provisioned funding for a further two years, subject to review, so it was a four-year funding package, subject to that review taking place.

MS CARRICK: Is it realistic to think that anybody can provide that service for \$255,000? There might be two people providing an ongoing service. People could be sick or not there. To have a reliable service where people answer the phone or do whatever they do, \$255,000 may not be realistic.

Ms Marjan: That funding was a matter for the government, in terms of how much it dedicated for that service. It was also seen as a pilot, to test the need and then go from there. Unfortunately, it did not eventuate.

THE CHAIR: Given we are at time, I will check with the committee on whether there are any burning questions for this session.

Ms Cheyne: I will come back, but Minister Paterson may not.

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

Hearing suspended from 2.30 pm to 2.48 pm.

Appearances:

Cheyne, Ms Tara, Manager of Government Business, Attorney-General, Minister for Human Rights, Minister for City and Government Services and Minister for the Night-Time Economy

Justice and Community Safety Directorate

Johnson, Mr Ray APM, Acting Director-General

Garrisson, Mr Peter AM SC, Solicitor-General for the ACT and ACT Government Solicitor

THE CHAIR: We welcome back Ms Tara Cheyne MLA, the Attorney-General and Minister for Human Rights. We also welcome back the officials in attendance. I want to turn to what we were reflecting on in the discussion that we had earlier with the DPP and the Government Solicitor. I understand that other jurisdictions have a similar approach around the Solicitor-General as the place that manages the regulatory prosecutions. Fundamentally, I want to understand how you are going to make this work, especially given some of the comments we have heard about the ACT being a bit different to other places.

Ms Cheyne: I will invite Mr Garrisson to answer that question, but I will give a bit of an overview. I can also talk through how we got to this point, if that might be useful.

THE CHAIR: It might be.

Ms Cheyne: But I will let you ask the questions. Effectively, the way that the office has set it up is there is some funding provided but it is not ongoing yet, because, quite honestly, at the time of making the decision and the budget decision, we did not have a perfect handle on exactly how many matters there were, the complexity and so on. So, based on the information we did have, that was the bid put forward to ERC about the funding that we assumed was necessary. You heard Mr Garrisson earlier today talking about their experience in that team, and I expect it will be established quickly and we will start seeing some more information, collecting some more data, and getting a better understanding of exactly what the need is.

One of the benefits of GSO taking on the responsibility is bringing it a bit closer to government overall about what the trends are that we are seeing. One of the things that has only really come to my attention as becoming AG, even though I have had the responsibility for traffic enforcement for five years, is the number of traffic infringement notices that get listed for a court date, which requires preparation, takes up lots of people's time and then, at the last minute or on the day, a person will pay. That is not a good use of time for anyone, especially the DPP. Understanding that and why that is occurring in a closer way to government also helps us then work with the operations agency or policy agency of what we are seeing why exactly this is happening. There are quite a few benefits for us there, and I expect this is going to be a pretty efficient service. But Mr Garrisson can expand.

Mr Garrisson: Chair, could I ask you to repeat your question, please?

THE CHAIR: It was fundamentally about how you are going to make this work—what

is essentially a new function for you, which has previously been undertaken by the ACT DPP. I am particularly interested in the process to get to where we are and what you have considered as well as what the interactions are going to look like with other parts of government.

Mr Garrisson: Chair, as I think I indicated this morning, first of all, the predominant practice of my office is litigation in one form or another. The regulatory prosecutions, with which we are already familiar, because of course, we do the non-criminal work for the same regulatory authorities, is to understand the offences—that is relatively straightforward—and to have systems in place. I think we are working off spreadsheets just at the moment, but we will have something far more efficient in place in the not-too-distant future. It is basically getting proper communication operating with the agencies.

One agency—which will remain nameless—rang us yesterday, I think, to say, “Oh, you know those 150 matters?” “What 150 matters?” “Oh, don’t you know about them?” “No.” “A lot of them are just listed for mention.” As the Attorney said, one of the issues of which we are aware is that someone does a traffic infringement and they get a penalty infringement notice and they do not do anything about it and they sit on it, and they say, “Oh, well, we will turn up to court.” When they turn up to court, they realise, “Oh, gosh, I could end up being prosecuted,” in which case it ends up resolving. One of the answers to that, which we will be liaising with our client agencies about, is communication with the offender, or potential offender, so that they actually realise that there is an easier way of resolving the matter and not have to come to court. You look a little quizzical.

THE CHAIR: I want to understand whether you have undertaken any analysis to confirm that that assumption as to why people are ending up—

Mr Garrisson: It is anecdotal, obviously, because we have only just taken over the function. But that is the feedback we get from some of the agencies.

Ms Cheyne: And we have heard from the Chief Magistrate, the DPP and Access Canberra. I think it is in the DPP’s annual report. When we were in annual report hearings, they had a whole lot of matters that

that did not proceed.

THE CHAIR: No, that is all right. To a certain extent, that is by the by.

Mr Garrisson: Yes. As I indicated this morning, it is relatively early days yet for us. We have really only had things on deck for a few weeks. We started working, prior to formally getting the resourcing in the budget, and we will continue to work on the systems that we need to have in place to deal with them. I am assured by my team leader, with whom I had discussions today, that they have the systems in place that will not let things fall through the cracks.

It is a matter of getting on top of the workload. As I indicated, the workload was unexpectedly a bit larger than we thought it was going to be. In fact, one of my lawyers is going down for some hearings tomorrow. But we anticipate that we will be able to properly manage it. Due to our ongoing relationship with the agencies, we will be able

to look more holistically at the way it is undertaken and how the systems and processes can work with them, because we are looking at the entire regulatory framework.

THE CHAIR: It sounds like there could be some space for reform depending on what you find as you go.

Mr Garrison: Absolutely.

THE CHAIR: It sounds like a little bit of a wait and see what the outcome of this first initial batch of funding is.

Mr Garrison: Yes.

THE CHAIR: I want to go back to the process that it has taken to get here—and, Minister, I will probably direct it mostly to you. In April, you made some comments suggesting that you were confident that we already had the resources to be able to continue with those prosecutions. My reading of that at the time was that you thought that we did not need to add any extra funding or a special function anywhere in particular. What shifted between then and the budget—because this does not quite look like what that was implying at the time?

Ms Cheyne: I will perhaps timeline it out and, if I do not answer the specific, just direct me back to it by the end of it. I became AG at the beginning of November. The first office holder I met with was the DPP. That has been very helpful in, I guess, the lens through which I have been able to consider a whole lot of pressures.

On, I think, 11 February, the director wrote to me and to the Chief Minister, being pretty firm in her language and pretty clear, about the pressures and the budgetary pressures that the agency was under. It referred to the outgoing acting DPP's email to all staff about the projections of matters and how there had been an exponential increase, particularly around serious indictable matters, and that some attempts for some funding had not necessarily been secured.

The director's letter was in this broader context to me and to the Chief Minister. Near the conclusion of the letter, which essentially outlined what you have heard today—psychosocial hazards to staff, a lot of pressure and some issues with the building that we have, I think, started to resolve. There were risks that she identified that were difficult to keep on top of or to manage in the context of everything that the DPP has responsibility for. The conclusion of that letter reads:

Given the significant risks identified, my team and I will now commence the process of considering which work it can no longer perform to enable me to meet my obligations as director and the office's core functions. At this stage, I anticipate this will affect our confiscations unit providing advice in and taking over regulatory matters, including works like prosecutions, traffic prosecutions and law reform submissions. We will, of course, provide sufficient notice of our intention to scale back services in due course.

We had a meeting very soon after that—maybe the same week or the week after—and certainly got on a more similar page about funding need and what was expected, budget processes and so on. I also visited the office of the DPP for several hours in the days

following that meeting to meet staff, really understand the size, talk to staff, meet the witness assistance service and really try to picture people, not just a concept, I suppose.

So, you would know I suppose, that there is no recommendation about what happens to those regulatory functions. In that meeting at the office of the DPP we discussed what they had been seeing, particularly with the traffic prosecutions, the time-consuming nature of this and how, when they have a finite resource and are not in control of their workload, there really is moral injury caused to staff who are dealing with the gamut of complex matters and then are having quite a lot of their time spent on cases that are not necessarily proceeding. That, to me, seemed particularly inefficient.

Again, I am happy to seek advice from the DPP, but the impression that I got was that there was not much love for the regulatory prosecutions function in the first place—which I honestly completely understood, especially in the context of more sexual assault cases and more complexity, which is really where we need that effort being spent.

In the time since that visit, I spoke with the Chief Magistrate and talked about the abandonment rate of cases proceeding. I also reached out to Access Canberra. I can see I wrote to them on a weekend, talking about some of the issues that had been put to me about what might be driving this rate and trying to see if there were ways that we could stabilise some of this regulatory pressure. I received further correspondence on 10 April from the DPP. That letter effectively says, “I write further to my letter of 11 February. Thank you for the opportunity to meet and discuss the issues in my letter.”

THE CHAIR: In the interest of time, can we just jump forward a little bit to what led you to be confident that you had the resources within government to continue the prosecution? I really appreciate the background on how we got to that point.

Ms Cheyne: Sure; and I was almost there. Just to be clear: at no point was I under the impression that this was a function that the DPP wanted to continue but that it was actually taking away from where their specialised efforts could be. The letter to me was pretty clear that it was just going to stop. It was a conversation and it was going to stop.

In response to that, I certainly said that I felt we had the resources to do this function within government, and I think it has been shown, with Mr Garrison setting up the practice within the GSO with existing lawyers, that that is the case. But they have come from within the organisation and so the funding that is required to effectively fund their usual positions is what the funding ask has done. So, we do have the capacity, the smarts and already existing policy agency understanding of the legislation and the advice that they provide. That is effectively what I was getting at.

THE CHAIR: It sounds like you had the existing skills and people who could do the work; however, it is going to take this budget measure in the short term to compensate for the redirection of resources away from other functions. That was what we were discussing earlier.

Mr Garrison: Yes, as I said this morning—

Ms Cheyne: And really to understand what would be needed to get to a sustainable

operating model, but also whether there are efficiencies to be gained in the meantime where there are potentially some policy and communication issues that might be able to reduce this workload.

THE CHAIR: Was there any slack somewhere in the system that we are managing to leverage people who were not fully utilised already? I can imagine the answer—

Mr Garrisson: May I leap in here and respectfully say, no.

Ms Cheyne: The leverage I would say, was Mr Garrisson's enthusiasm for this function, if I may, for the reasons outlined, including having it closer to government. To be honest, these are already areas that the GSO provides extensive legal policy advice on, but bringing it into the broader litigation practice did present an opportunity.

THE CHAIR: Forgive me—I have looked at a lot of budget measures recently—but were there any offsets for this particular measure? I am keen to understand where the extra resourcing to add this function on top of everything else has come from?

Ms Cheyne: There is. The offset has come from the funding that had been provisioned for the redress scheme.

THE CHAIR: Okay; so there is an impact to the funding that would have been available there?

Ms Cheyne: Yes. However, we have been looking really closely at the actual funding that is been drawn from that scheme versus what was projected, including getting actuarial advice. So there was a level of confidence that this funding could be used to support GSO through this function over the next year.

THE CHAIR: Thank you.

MR RATTENBURY: The letter from the DDP that you spoke of talked about not being able to do the work due to a lack of funds. I listened carefully to what said and I can see some rationale, but I am interested in how we got from, "I do not have enough to do this" you did not go, "All right; I am going to give more funds to the DDP. I am going to put funds somewhere else."

Ms Cheyne: I guess that goes to what I was saying before in that it is not just the pressure that is on the DPP day to day. If I had taken the view that we would give the DPP more funding to do regulatory prosecutions, first of all, what message would that send about what my priorities are for the DPP? Secondly, I really thought that the April letter from the DPP—I did not end up reading it out word for word—made it pretty clear that it is just going to stop.

MR RATTENBURY: Was that because of the lack of resources?

Ms Cheyne: The lack of resources overall, yes. In the conversations that I had had there had been questions about how other jurisdictions do this function and, to be honest, given what you have heard today from me and from her, there is still a shortfall in terms of what the DPP needs overall. But, if we can support the DPP and support her

independence, her decision-making and what lead she wants to take in where the office is spending its time and its capacity, I think that they are the correct areas and it is the correct decision to take.

MR RATTENBURY: I am interested in your reflection on what signals it would send about your priorities. From what we have heard from the DPP, the prioritisation was to find \$800,000 a year to do regulatory work—and, as far as I can see, not much more went into the DPP.

Ms Cheyne: A considerable amount more went into the DPP, particularly through the 10th magistrate initiative and the further support for intermediaries. I appreciate that is not directly the DPP, but that initiative is related.

MR RATTENBURY: It is an important initiative.

Ms Cheyne: And we increased the numbers in the Witness Assistance Service. I absolutely hear loud and clear, it was not anywhere near what the DPP believes is required there. But, as I said, a new budget and a new minister, getting across the issues and where our funding sources are here in a really constrained fiscal environment. I found what I could to address the areas that I thought were the greatest need, notwithstanding that I think there is a broader piece here about the sustainability of the government's funding to the sector as a whole.

MR RATTENBURY: While Mr Garrisson is at the table, can I just check on scope? Mr Garrisson, do you provide legal support to ACT Policing or do they source that somewhere else?

Mr Garrisson: We provide legal advice to ACT Policing in relation to the operation of ACT laws. That is a reasonable volume of work that arises from the terms of the policing agreement, which I understand is in the process of a renegotiation at the moment—the usual process.

We have a good relationship with ACT Policing and, indeed, are trying to enhance that. We had meetings with them last week around the regulatory enforcement in terms of getting access to criminal history records and the like, and that is all been sorted fairly quickly. We will appear for them, for example, in relation to subpoenas in criminal proceedings. So it is quite a good relationship. It is basically the discharge of their ACT Policing functions. In the event, however, that an ACT Policing member is sued, that will be dealt with by the commonwealth because they are, of course, officers of the commonwealth.

MR RATTENBURY: You have perfectly anticipated my next question. In the event of a civil suit against an ACT Policing officer, that sits with the commonwealth?

Mr Garrisson: It sits with the commonwealth, and my understanding is it is funded through Comcare.

MR RATTENBURY: Thank you.

MS CARRICK: My question is about human resources and the skill base.

Ms Cheyne: Where in particular, Ms Carrick—in JACS?

MS CARRICK: JACS and, really, the Government Solicitor and the courts. How do you keep the skill base up? Is it easy to find the skills out there for the work that you do?

Mr Garrisson: We have our own internal training. We have a structure within the office where work that is undertaken by our lawyers is second-counselled by a more senior lawyer. So there is a lived experience, if you will, in relation to improvement of work. We have found that we are now having to grow our own, so to speak. We have a fairly well-developed system where we take law students on as paralegals and the like, and they can work with us for several years while they are doing their law degree. We have had quite a significant number of those persons work their way through to be admitted to legal practice and then to become government solicitors in our office, initially on a temporary contract and then we have recruitment processes from time to time and they can apply for those roles, which, of course, are then permanent or can be permanent depending on where our budget sits at the time.

Continual education is something that we are now trying to put a heavier focus on. So we are doing whole-of-office training on a range of things. I am presenting next week, for example, on the topic of human rights with one of my senior lawyers. We have given sessions on self-government and how it works. We have given presentations on those things and we are now scheduling them on a monthly basis to come through. Plus, each practice group meets and a number of them select topics and they do their own internal presentations in relation to that as well. There is also access to external training. The Law Society offers sessions. All of our lawyers have to have a CPD points that they earn each year; so that is an additional driver for them to do some continuous education.

MS CARRICK: As young people come through that are using AI and those language models, does your organisation have discussions about how you manage that and how you cope with it as far as the benefits of it versus the potential detriment of it?

Mr Garrisson: AI is a very difficult topic. You may be aware that several of the courts have responded, I would say, unfavourably—that is probably the kindest way of describing it—in relation to the impact of the use of AI in the course of legal proceedings and, indeed, in the provision of legal advice. There is a place for it as a research tool, but your basic problem is: what are you researching and what is the knowledge base? In other words, is it an external search or is it an internal database? That is something that the entire legal profession and the courts are all facing at the moment. Stories are commonplace of judges picking up litigants from fictional case references in submissions that are put—perhaps understandable with a litigant in person, but these are submissions that have been drafted by lawyers. So there are a few cautionary tales there.

That having been said, we are very conscious of looking at what efficiencies can be achieved through the effective use of technology. I will say that our use of technology is limited by the nature of the technology that we have. To reinvest in some new systems would have to be a very significant budget initiative. I might leave that there.

MS CARRICK: Okay.

Ms Cheyne: Ms Carrick, I need to correct the record. I misspoke earlier. There is an offset from the redress scheme of \$728,000. But the overall initiative funding in the budget for the GSO is \$1.557 million, and the \$728,000 is for human rights-related litigation, not the regulatory prosecution funding.

THE CHAIR: So the offset is related to the other half it—that measure?

Ms Cheyne: That is right; yes.

THE CHAIR: So the funding for the measure we were discussing is new funding?

Ms Cheyne: It is new funding. But, again, the point that I would iterate is that it is not ongoing, because we need to get the data and understand the opportunities and the real cost to government.

THE CHAIR: I will come back to that if we get a chance. I want to ask a quick supplementary on the AI line. Minister, I am interested in whether there is any policy work or any understanding of to what degree AI is being used in any of the functions that we are talking about in this session. Is there a government position on when it is reasonable to use AI for research, for drafting legislation—the whole gamut? How much work have you done to this stage around what is happening and what is okay to happen?

Ms Cheyne: Within government resources, this sits in Digital Canberra. They have effectively developed an ACT government artificial intelligence policy and an assurance framework, which really guides what is appropriate and what is not. You would recall that, earlier this year, I issued a direction that banned DeepSeek. So there are preferred, I suppose, AI models or apps that the government is working with or has not taken an opposition to. I would say that Microsoft Copilot is the preferred model. There has effectively been a policy developed around that for whole of government.

THE CHAIR: I will make the same comment that I made recently about this. We are talking about large language models and algorithmic tools and we are not at the stage yet of AGI—general intelligence or anything. But these large language models do have the risk of hallucinations, which we were just discussing. That is why I am interested to understand, noting that Copilot still uses the open AI models, just in a slightly different interface and with some different controls and things, whether there is any understanding of whether and to what degree it is being used, particularly within the legal space we are discussing?

Ms Cheyne: I am just pulling up the—

Mr Johnson: Perhaps while—

Ms Cheyne: Yes, please go ahead.

Mr Johnson: In terms of the internal government arrangements around artificial intelligence—and I think we have talked about Copilot—I think it is important just to

note that, if you have created a government record, you are still obliged to keep that government record as appropriate. So there is a government instance of Copilot not a public instance of Copilot, because Copilot or any of these systems use bulk data, and you do not want government material turning up in a search somewhere else in the world to inform someone else's script. So there is a degree to which it is limited in terms of the ACT government instance of it. So, whilst it is useful, it is not probably as broadly informed as the wider AI model that we contemplate. There is a slight distinction—

THE CHAIR: Okay. So there are limitations on the model that the ACT government uses through Copilot?

Mr Johnson: That is right. Your obligations around handling ACT government information does not change in this context. You cannot just pump it into an external AI product and hope for the best.

THE CHAIR: That is interesting. I am still interested in anything you have done to understand to what extent it has been used or is being used. You mentioned there is an obligation to keep records. Does that include records of the engagements with the large language model?

Ms Cheyne: I believe it does. If that is wrong, I will correct the record.

THE CHAIR: Okay. I am happy to put more detail on notice in regard to the Digital Canberra—

Ms Cheyne: If it is about AI and the legal sector, we can take that.

THE CHAIR: That would be wonderful.

Ms Cheyne: But if it is about AI generally, then Digital Canberra.

THE CHAIR: No; I am particularly interested in the legal sector, because it has been identified as one of the key opportunities.

Ms Cheyne: The Chief Justice talked about it in her address at the opening of the law year. While she understands the opportunities, I do not think she is as enthusiastic as you just sounded then, Chair. We are very aware of the limitations as well.

THE CHAIR: Okay. Thank you. Ms Tough, I think we are up to you.

MS TOUGH: I think this question is for the Attorney-General, but if I have got the wrong place, let me know.

Earlier today we heard from the official visitors, and they mentioned recidivism. I know their annual report has also suggested that recidivism is caused by the lack of education, rehabilitation and other offerings at the AMC—or that it contributes to recidivism. Is that something you have heard as Attorney-General?

Ms Cheyne: Yes, constantly—from the NPM, from the ACT Ombudsman and from the ACT Human Rights Commission. One of the first things that Minister Paterson and

I did at the beginning of this year was to go and visit AMC to understand what the offering is there. Are there work experience offerings for people who might appropriately be ready for that? What is the education base? What does the library look like? What does the industry look like? What I have heard about consistently—and I think I forgot to mention the Inspector of Custodial Services—is boredom. I think it was at the end of last month, and Mr Rattenbury was there as well, that we were at a co-design process with First Nations people who have had experience in AMC. It was incredibly powerful to hear directly about what boredom does to people—other ministers were there too; Minister Orr and Minister Paterson—and how it limits opportunities for rehabilitation and, effectively, sets their lives on a different course outside, once they are released.

To that end, there has already been a significant number of initiatives over the years, with the reducing recidivism “25 by 25” strategy, and then Mr Rattenbury, in his previous role, released “25 and beyond”, which is a Justice Reinvestment Strategy. And at the moment, we are in the process of designing a Justice Futures Fund with the evidence-based interventions or initiatives that the government can prioritise that can effectively put someone on a different course.

You may also recall that I made a decision in the beginning of the year to discontinue the Law Reform and Sentencing Advisory Council. One of the reasons was that it did not have ongoing funding. However, it had been funded to a significant amount from the confiscated assets trust, and there was still a remaining pool of funds from that—\$600,000. Working with Minister Paterson and Corrective Services—and Ms Close can talk about this tomorrow—we have put the remainder of that funding directly into what we are calling an “AMC industry pilot”. Effectively, we need to do an entire reset in understanding literacy and numeracy issues at AMC: to try to get a sense of how much intervention is needed for people and to develop what the support is that we can provide to increase those levels for people.

The other two parts of that initiative are to establish more vocational education training. I think it would probably surprise many people that CIT does not have a presence at AMC. It is registered training operators that provide vocational education. But those courses are limited, and they do seem to be driven by demand—waiting until there is enough interest in a course for it to go ahead. You can imagine, in some cases, that means a person is waiting the entire time they are there, and then they are released and they do not get that opportunity.

And there is the third element: while we do have a transitional release centre and policy that is set up to support detainees to get ready to be released, are there opportunities where some work experience connections into industries, or trades that we need, can be facilitated? So, effectively, this would be work experience. Also, how do we pay detainees so that they have some funds on release, and, potentially, a job waiting for them on release? The \$600,000 is split evenly between those three initiatives. It is a pilot initiative, so the funding will cease in 2026. Ms Close is tasked with making it happen. I am sure she would be excited about questions tomorrow.

MS TOUGH: Yes, she is in Corrections tomorrow. I was not sure if it was you or Corrections—

Ms Cheyne: It is both. The overall concept of recidivism sits with me, but operationally it is certainly a big component for the Minister for Corrections, given it has an impact.

MS TOUGH: Wonderful; thank you.

THE CHAIR: How does that relationship work? This is similar to other questions I have asked in other hearings. How does that relationship work, with the split between operationalising and policy, in terms of recidivism specifically?

Ms Cheyne: I guess on a very crude level, Minister Paterson and I talk every day—all day, every day, effectively. We are trying to share as much information. Often, we are both receiving the same information, but we are just checking that nothing is slipping and that I am understanding the trends that she is concerned about, or what she is seeing, and in reverse. We have a number of shared priorities and that includes reducing the incarceration rate of First Nations people particularly, but reducing the incarceration rate full stop, because the cost benefit is pretty poor, really, and for what it does to people's lives overall. How can we divert people from the justice system so that they can be contributing to society effectively?

THE CHAIR: I guess what I am concerned about, to some extent, is that where you have multiple ministers responsible for achieving the one outcome, no-one seems to be accountable in the end.

Ms Cheyne: I very much appreciate that, and what I would note is that I think this is the first time in a long time that the justice responsibilities, in the purest sense, sit with two ministers. I think it has been very difficult for directorates and government and the community when we have had—Mr Rattenbury could probably just answer this for me!

MR RATTENBURY: It was the Chief Minister's choices in the administrative arrangements.

Ms Cheyne: Indeed, but also in consultation with ministers as well, whatever it might be. I think having a Minister for Corrections, emergency services and policing, and then me with AG and human rights, it is a neat balance. And I think there is potentially a saving for our directorates as well in terms of who they have to brief and in bringing people along, because it is, effectively, the two of us.

THE CHAIR: So you have got clear reporting lines for directorates on each issue and for each minister they have to go to?

Ms Cheyne: Yes.

THE CHAIR: Okay. That is good.

Ms Cheyne: However, you would have noted that in Minister Paterson's period of leave I acted for her, and she will be acting for me in my justice responsibilities when I am on leave. So, again, that is also helping us and, indeed, the directorates, I would hope.

THE CHAIR: Ms Carrick?

MS CARRICK: I am wondering about the overarching governance. You have got the justice side of it, but there is Ms Orr, also, if you are trying to stop recidivism and ensuring that there are not those high rates of incarceration of Indigenous people. There is also the CSD directorate in the upstream or downstream—I do not know which way it goes—making sure that those early interventions are in place. What sort of governance is around working with CSD to make sure that that early intervention—

Ms Cheyne: Ms Carrick, this almost feels like it is a Dixer, and it is not!

MS CARRICK: Yes.

Ms Cheyne: Thank you; I really do appreciate you asking. Earlier today the Jumbunna report was released, and it has 99 recommendations for government. I look forward to a whole lot of attention being paid to it. One of the clearest messages to me is that over-incarceration rates are not a justice issue full stop. Some of the biggest determinants of someone's contact with the justice system relate to social factors, psychosocial factors, their early education, the intervention that they get and whether they have contact with child protection early in their lives. All of those are areas that are in that social policy space but also in an operational space. That is apparent throughout the report. I would note there are lots of recommendations that involve multiple agencies. There are some that are just courts, or just JACS, but the vast majority are social policy questions.

The media release that went out had five ministers on it, reflecting that this is effectively a whole-of-government issue. Probably the theme that hit me the most is that the report explicitly says that one of the dangers to the report's effectiveness and overall implementation is the siloing of government agencies. The biggest risk is that a government agency might just read the recommendations where they see their name but not consider how that relates to all the others.

Fortunately, in the way the report has been drafted, it is pretty clear about what interacts with what, and where. It is also quite clear that some recommendations need to occur first, for others to follow. I think it is incredibly important that the government does not cherry-pick recommendations but works out what the things are that we are already a little bit advanced on and what the things are that we can do. Also, what is our coordination mechanism? What is our reporting mechanism? What is our oversight mechanism? And this is absolutely crucial: are we working with community on these and to progress these?

I would say that there are coordination mechanisms. I believe there is a strategic board subcommittee on Closing the Gap. And I think Minister Orr said yesterday that there is a new cabinet subcommittee on Closing the Gap, so these provide further oversight mechanisms for us. But in the next little while, as we work up our interim response to the Jumbunna report which will be tabled in the last week of September, we really do need to work out, with so much interaction and interconnectedness, what our coordination function is to effectively deliver this. Things exist, and we do not want to duplicate those, but it is very clear that what exists currently is not meeting the needs to effectively address the issues identified.

MS CARRICK: Will you have somebody that takes the lead on it and is responsible for talking to all the different directorates? I noticed that there are action plans at cross-

portfolio, but it is split: “You do that, and you do that, and you do that.” Nobody sort of—

Ms Cheyne: Some are duplicative.

MS CARRICK: Yes. Nobody brings it all together.

Ms Cheyne: Not in the justice portfolio but ask me some questions tomorrow!

MS CARRICK: I mean somebody who will take the lead and talk to everybody and make sure that it is all happening and reporting back and—

Ms Cheyne: This is the question for government over the next little while, and it is what we need to work through. I feel that if it is just one agency leading it, if all agencies are equal, then how does one agency direct others?

MS CARRICK: I am not saying “direct”, but somebody that just oversees and monitors and talks and connects.

Ms Cheyne: I think that is the question we have to answer. I think the subcommittee is going to be part of it and, certainly, we are requiring reporting to us. Us being able to talk about the interconnectedness of our portfolio responsibilities will be useful, but there is a question at the public service level that public service will be working on over the next eight weeks.

MS CARRICK: It would be good, potentially, to have a public service working group so it is not only the cabinet subgroup. I do not know who the strategic board subcommittee for Closing the Gap are. I do not know where those people are coming from, but having a—

Ms Cheyne: Mr Johnson can tell you what it is.

Mr Johnson: The strategic board is the Head of Service plus the directors-general from all directorates. The strategic board meets regularly and considers matters for the whole public service where appropriate. The subcommittee is a subcommittee of that board, particularly focused on matters around Closing the Gap with relevant directors-general, which is pretty much everyone, I think, to be honest. It has met once already and will meet again soon.

MS CARRICK: Then there will be a reporting framework presumably?

Mr Johnson: Yes, it will feed in and support the cabinet subcommittee.

MS CARRICK: Okay, thank you.

MR RATTENBURY: Are there any resources committed in the budget to implement the findings of the Jumbunna review?

Ms Cheyne: Sorry can you say that again?

MR RATTENBURY: Were any resources committed or provisioned in the budget to implement the findings of the Jumbunna review?

Ms Cheyne: No, because the report was delivered to us in July, so it fell out of the budget cycle. There are plenty of recommendations in there that clearly have a funding implication, and this is the work that we need to undertake going forward. I provided a commitment that I would release this report in July, which I have done—just.

MR RATTENBURY: Just! Well played.

Ms Cheyne: Made it! Really, the intense work starts now.

MR RATTENBURY: Thank you.

THE CHAIR: I am going to try and pick up the pace a little bit, because I have got a thick pile of papers here. Going back to the regulatory prosecution discussion we had earlier, Mr Garrisson seemed to be taken a bit by surprise about the time—that there was only one year of funding around in this budget measure and that there was not ongoing funding. I understand that you have said you want to re-evaluate what the actual pressure is, but I would not imagine there is going to be less pressure for resources.

Mr Garrisson: Could I, perhaps, answer, Chair?

THE CHAIR: Yes.

Ms Cheyne: Please.

Mr Garrisson: The proposition was this: what resources did we need to get things going? There is a range of implementation issues that we are addressing at the moment. We are not sure what the workflow is going to be or the workload. We are also not sure what efficiencies we are going to be able to introduce as we get further into it and work with the agencies that are instructing us. The proposal is that we will be undertaking a review over the course of the next six months to see where it has landed, and depending on the outcome of that review, there will be further implications for funding and what it is going to look like and what the structure is.

THE CHAIR: Okay; so that review forms part of the funding that was provisioned and is incorporated within that?

Mr Garrisson: Yes. I will be doing that internally and in conjunction with the other agencies that are instructing us.

THE CHAIR: I think it is fair to say that not everyone was hugely supportive of the shift when we first heard about it earlier this year. On April 23, the *Australian* ran an article called, “‘Lawlessness’: ACT Prosecutors Axe Regulatory Matters”, saying that the retreat risks anarchy.

Ms Cheyne: It is not hyperbolic at all!

MR RATTENBURY: A bit unusual from the *Australian*!

Ms Cheyne: Yes, exactly! You know you have made it when you are in the *Australian*—

MR RATTENBURY: You will get there!

Ms Cheyne: I have been. I was on the front page!

MR RATTENBURY: Very good. I will be buying that one! Sorry, Chair.

THE CHAIR: Be that as it may, it did quote a source close to the ACT government saying, “We have been blindsided by the DPP’s notice that she is about to stop prosecuting regulatory matters,” and “The ODPP previously had a team dedicated to prosecuting regulatory offences.” It seems like the directorate was pretty much blindsided when this all came about. Would that be a fair characterisation?

Ms Cheyne: I would go back to the timeline from before.

THE CHAIR: I do understand the timeline you ran through.

Ms Cheyne: Yes, but I might just underline it to characterise my answer, which I promise will be direct. The letter arrived on 11 February outlining, “Here are some things that we will have to scale back if things do not change.” Two months later, a letter was received by agencies, at the same time as I received it, saying, “We are going to stop.” I had begun, as I have mentioned before, conversations about what the communication or other issues are that are leading to these sorts of numbers of regulatory matters, and regulatory matters not proceeding. But that really was a very short time for that work to have started.

I would not say that I expected that decision to happen that quickly—by the DPP—but I also respect her office and her obligations to her staff. We had begun turning our minds to this, but I absolutely accept that for many people it was a surprise. Equally, she did give us fair warning, as she had promised, and because we had started thinking about that and because of what I knew about regulatory functions across government, I was confident that we would be able to find a solution and that we would not get to a land of “lawlessness” like the *Australian* characterised it—which was pretty reckless really.

THE CHAIR: The other issue that that article goes to is the amount of lead time that is going to be involved in setting up the alternative arrangements, which we have already been—

Ms Cheyne: Which has been disproven.

Mr Garrison: With respect, Chair, it is set up; it is running.

THE CHAIR: Did you have anything in place between times, or was there a gap between the DPP providing services and being set up with the—

Ms Cheyne: Mr Garrison was funded from 1 July, but we made the decision early and

he, effectively, started putting everything in place so he was ready to go from 1 July.

THE CHAIR: That is fine. It sounded like that was the direction you were saying earlier. I just wanted to check whether there was any gap. Can I ask: which agencies were most directly affected? You made a comment about 150 cases earlier. I am not asking you to out the agency that was, but which do—

Mr Garrisson: It is quite extensive when you look at it, Chair. There is Access Canberra, which performs the regulatory functions for a number of other agencies as well; the Electoral Commission; and the Gambling and Racing Commission. There is, technically, the long service leave authority, but I do not think there is much coming from there; Parks and Conservation; ACT Revenue; Domestic Animal Services, and there is a bit happening there which we do already on the civil side; Health Protection Service; EPA; and sundry others.

Ms Cheyne: Licensing and compliance, certainly.

Mr Garrisson: That is the big one. It is a part of Access Canberra.

THE CHAIR: Okay and that is I think what I was going to come to—

Ms Cheyne: Licensing and Compliance is now in CED, in the TCCS part. Licensing and Compliance is in the Access Canberra function, but there is also a team that has responsibility for the Litter Act and things like that. But it is the Access Canberra regulatory functions that most impacts—

THE CHAIR: That is going to have the greatest impact. Have you had a chance to assess yet whether there are any offences that have been unprosecuted during the transition, or things that previously would have been actioned by the DPP that, putting aside things like the traffic offences, are not making it through?

Mr Garrisson: Not that I am aware of, Chair. In essence, the agencies have stopped giving instructions to the DPP; they are now giving instructions to us. I would describe it as seamless. That is how it is working, and because we have already got really close working relationships with those agencies because of our other work with them, it makes the process a lot easier. Also, because of our knowledge of the legislative framework, there are aspects of the different pieces of regulatory legislation where we will be able to work with the agencies to look at where we can get efficiencies. For example, for some things where offences are created, if an agency wants to do anything about the offence, it has to be a prosecution because there are no provisions for penalty infringement notices. One of the things that we will be looking at, as we work through all the instructions we have, will be, effectively, to say, “Okay, how can we improve this?” Not in the short-term, obviously, but in the medium-term we would expect that we will be able to provide some recommendations about how systems can be streamlined and how the prosecution function, for want of a better term, can be better achieved.

There is a whole raft of work that has been done over many, many years about regulatory theory—about how you achieve a regulatory outcome. Prosecution is often a blunt instrument in that regard, but there are other avenues. One of the things that this

presents us with is an opportunity to look holistically at the functions that the agencies are performing, and because we are acting for them in the whole range of activities, it provides a better opportunity to look at how it can be rationalised and improved.

THE CHAIR: Is there an opportunity in that process to reflect on opportunities to deregulate? I will use the word “deregulate”. Have you been referred matters for which there is no great benefit from prosecuting?

Mr Garrison: That will probably be a discussion that we will have with the agencies as we get our lived experience over the next little while.

Ms Cheyne: And there is the quality of the briefs of evidence that the team is getting. Those are efficiencies to be gained. In terms of how we can dereg some stuff, there are some offences in our legislation across the whole statute book that do not necessarily have the function, or the officers or whatever it might be, to enforce them. I think that needs to be looked at as well: are some of those fit for purpose, and can we streamline those or make it simpler, especially in the kind of behavioural work that Mr Garrison is talking about?

THE CHAIR: Thank you.

MR RATTENBURY: In light of the success in preventing people from losing their tenancy, what factors did you take into account in the decision to abolish the Rent Relief Fund?

Ms Cheyne: Thank you, Mr Rattenbury. I was thinking: “When is this going to be asked?”

MR RATTENBURY: The suspense!

Ms Cheyne: I know. It really kept me thinking about it. I certainly reflect on the benefit of the fund. Could I make clear from the outset that this was not political by any means; rather, it is a reflection of a constrained fiscal environment and some changes that we started to see, including changes that you had driven. I acknowledge that. What has been missing from some of the commentary about the Rent Relief Fund is that it is a funding pool. While the renters may go to Care to seek assistance, the funds do not go to the renter; the funds go to the landlord. That takes the pressure off the renter for a period of time. I absolutely appreciate that, but my understanding is that the design of the scheme was a reflection on both tenants and landlords being affected by the same conditions when it began. If a tenant could not pay and the landlord was reliant on that income themselves, we were getting broader effects.

On a whole, income support payments, including Rent Assistance, are the responsibility of the commonwealth government. The Rent Relief Fund reflected a point in time that had a much longer tail than I think any of us anticipated. I note that there has been an increase in the maximum rates of commonwealth Rent Assistance of 45 per cent for about a million households. But, quite honestly, the most significant measure that I believe we are already seeing playing out and what we have seen in some reporting today is that limiting rent increases to once per year in all circumstances and to a particular formula means that there are not the same shocks that had been experienced

by renters.

I think it is a quite incredible initiative to make it easier for victim-survivors of domestic and family violence to be able to end their tenancy immediately and without penalty. So I feel that some safeguards as well as some ceilings have been provided that did not exist when the scheme was established, nor when it was agreed to be continued. The funding that has been set aside in the last two years did not finish ahead of the financial year. There was the extreme peak that we saw and we then dealt with the demand that we were seeing. I appreciate there is still steady demand due to referrals, but support has continued to be provided. My understanding is that there are still enough funds in the scheme, even though no new applications are being accepted, to support people two or three weeks into August.

MR RATTENBURY: Demand for the scheme continues at this point?

Ms Cheyne: There is a demand, but it can also be demand created by having the scheme, if that makes sense.

MR RATTENBURY: Sure. Thank you. There are some interesting points in that. I do not share your characterisation around this being a fund to pay landlords; it was a fund to pay rent. Yes, that goes to the landlord. Whether you give it to the tenant and then it goes to the landlord or whether you give it to the landlord directly so it is not diverted is an interesting design question about compliance and impact.

Ms Cheyne: Sure. If I may, I think there is also a question about someone's autonomy in financial decision-making. I think we generally know that people usually know where the greatest need is for funding to be spent. Government dictating that to people does not necessarily align with my values. That has not driven the decision, but I think it has been lost in the characterisation of: to whom is this money going?

MR RATTENBURY: We will leave that one. I disagree with you, but I do not think that is the point today. Have you done any analysis on the impact that this will have on other frontline service providers who will need to pick up the slack created by the absence of this program? I have certainly heard concern. We saw the letters from 17 organisations outlining their concern. It includes groups like Vinnies and others who are now deeply concerned that they will simply have to cover this.

Ms Cheyne: As I said, a number of different initiatives came into being in the previous financial year, including the commonwealth Rent Assistance increase, which is significant, and the rental reforms which people are still seeing come through as their rental agreement comes up for renewal. Despite some requests over the last little while for some data from Care about the demand or pressure in the last little while, I have not received that. That makes it pretty difficult for me to consider modelling. I further note that supports are still available through the Woden Community Service, and there is the support that Legal Aid provides with their Tenancy Advice Service, as well as the Mobile Debt Clinic that we have continued to fund with Care.

MR RATTENBURY: We will have to agree to disagree on this one.

MS CARRICK: At the start of this conversation about the Rent Relief Fund, you

mentioned a constrained fiscal environment. If the fiscal environment were not so constrained, would you have considered keeping this scheme going?

Ms Cheyne: The challenge with a stack of these initiatives that had genuinely good intent behind them is that there is no ongoing funding source. The—

MR RATTENBURY: We all know that is because the Treasury only ever gives two years of funding on a business case. It is the same as the argument about the Law Reform and Sentencing Advisory Council.

THE CHAIR: We will let the minister respond.

Ms Cheyne: I take that as a comment. I cannot reflect on those processes, but I would say that, every time the government has an initiative, it is from a short-term funding source or we need to find a way to fund it for the long term. In the context of all the other pressures that you have heard already here today, especially given the reform work and that this really is not an ACT government core responsibility, difficult decisions had to be made about where we can best target our resources. I appreciate there is significant disagreement about that. It is hard to do modelling, as I said, because some of these things need to play out, but the landscape that we are in is very different, even from where we were a year or two years ago.

MS CARRICK: Do you mean the constrained fiscal environment?

Ms Cheyne: That for starters, but also in terms of law reform and the assistance that the commonwealth government has given.

MS CARRICK: I would like to ask about access to legal support. Is there an issue for vulnerable groups—people with disabilities, culturally and linguistically diverse communities, and Aboriginal and Torres Strait Islander people? Are there any issues with barriers for them to access legal services?

Ms Cheyne: We recognise that there are, and there have been, barriers to access, but we see that our community legal centres play a very strong role in providing support and access to people right across the vulnerable cohorts that we see—the way supports can look as well as can change, depending on whether you are seeking legal advice or legal representation. One of the initiatives that has been incredibly successful, as I understand it, and someone will correct me if I am wrong, is with regard to bail and having to effectively check in as part of bail conditions, particularly First Nations people—expanding the number of places where they can do that. You do not just have got to rock up to the City Police Station once a week, which can be particularly difficult if you do not have transport, you have caring responsibilities or other responsibilities to community, you have a disability or whatever else it might be. We are starting to see some good outcomes from expanding places of reporting. As Mr Rattenbury would know, the legal system and the things that we put in place is a long game.

MS CARRICK: I guess it comes back to constrained funding for disability advocates who advocate for people who do not know where to go—helping them to find support. I guess that is a comment. We hear from a range of people, including advocates, that they need more funding to do their jobs—that they do not have enough to meet the

demand.

THE CHAIR: We will take that as a comment. We will move on to Ms Tough.

MS TOUGH: Thank you, Chair. I am interested in the status of the FOI Act review—where that is up to and what is planned next.

Ms Cheyne: That review has been undertaken. My understanding is that the report has been delivered to government this week. The government is considering that. My early understanding is that the review is very positive overall about our FOI Act and the scheme, but, given it arrived this week and it is Wednesday, we need some time to consider the report as a whole. I intend to table that in the Assembly in the coming months.

MS TOUGH: Wonderful. Does the government response come with the tabling or will government respond afterwards, or is it—

Ms Cheyne: I think that remains to be seen, depending on the recommendations. I do not believe there are stacks of recommendations that require lots of consideration, compared to some other reports we have spoken about.

MS TOUGH: Thank you.

THE CHAIR: I am looking at the human rights cases—strategic objective 4 on page 12 of the budget papers. It indicates that the Human Rights Commission protects the rights of people in our community, including vulnerable members. We were looking at note No 2 on that page, which says:

The 2024-25 Estimated Outcome is above target due to the increased public awareness of the services provided by the Victims' Rights and Reform Team. The level of support needed by the ACT community continues to increase each year.

Can you tell me how much demand has grown in recent years, particularly as people become more aware of their rights?

Ms Cheyne: This strategic indicator is squarely within the Human Rights Commission's functions. However, we are the funders, of course. What I can tell you is that it has grown enormously. I believe that Ms Toohey in particular is looking forward to telling you about the growth in complaints that has occurred. It will be in the annual report on Monday. It is considerable. The team has done a brilliant job. Also, what I would almost call the word-of-mouth effect about how successful the conciliation function has been has driven a lot of that demand. We have also effectively expanded the responsibilities of the commissioner, so we are seeing that, in some of the newer spaces that she has responsibility for, such as elder abuse, there have been some increases. Elder abuse is complex. Complexity takes time, and so on and so forth. We are seeing growth in both volume and complexity.

THE CHAIR: Are you doing anything outside the work of the Human Rights Commission to try to deal with growth in demand and the issues that arise from the

increasing load?

Ms Cheyne: That is a good question. There is clearly a structural issue, as you can see, in terms of the growth of the complaints function within the Human Rights Commission. It is not the same as the rate of growth in complaints, but the numbers in and of themselves do not necessarily reflect the complexity either. Hearing anecdotally from Ms Toohey and others about how much time some things take is useful. There is broader consideration of that, particularly around the complaints mechanism function having been expanded to human rights in the last year. The Human Rights Commissioner is also particularly good at explaining to agencies, whether it be Health, Housing or whatever it might be, where they are seeing trends, suggesting that change might be needed or providing advice to a minister. I guess that answer has a two-part comment to it. Sorry—I am trying to make sense.

THE CHAIR: It sounds like you are fairly happy with the work the Human Rights Commission is doing and, at the same time, you are looking at potential opportunities for some sort of reform in the future.

Ms Cheyne: There may be some reform areas where we are seeing things not behaving as they should, especially where we see someone's rights breached, but also where there is discrimination or whatever it might be in any of the functions that the commissioner has responsibility for. We are always willing to look at law reform, but, based on the trends, complaints have not been bumpy; they have been growing. There is a broader question for government about funding and also opportunity cost, because conciliation and working through the Human Rights Commission is low cost compared to going to the Supreme Court on a human rights matter.

THE CHAIR: I am happy to put the rest of my hefty pile on notice. On behalf of the committee, thank you for your attendance today. If you have taken any questions on notice, please provide your answers to the committee secretary within five business days of receiving the uncorrected proof *Hansard*.

Short Suspension

Appearances:

Paterson, Dr Marisa, Minister for Police, Fire and Emergency Services, Minister for Women, Minister for the Prevention of Family and Domestic Violence, Minister for Corrections and Minister for Gaming Reform

ACT Policing

Lee, Mr Scott APM, Chief Police Officer for the ACT

Hudson, Ms Paula, Deputy Chief Police Officer for the ACT

Whowell, Mr Peter, Executive General Manager, Corporate Services

Healy, Mr Michael, Performing the Duties of Executive General Manager, Strategic Accommodation

THE CHAIR: We welcome Dr Marisa Paterson MLA, in her capacity as the Minister for Police, Fire and Emergency Services. We also welcome the officials in attendance. Please note that, as witnesses, you are protected by parliamentary privilege and bound by its obligations. You must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. As we are not inviting opening statements, we will proceed directly to questions. Mr Rattenbury, I will let you kick off.

MR RATTENBURY: Thank you. Good afternoon, everybody. Starting with a recognition that members of ACT Policing often work in quite difficult circumstances, I nonetheless want to ask about the ACT Ombudsman's recent review of police use of force, which found, and I quote, "unprofessional behaviour of police who unnecessarily inflame situations". He found unprofessional conduct, offensive and abusive language and unnecessary aggression displayed by some officers in a third of the cases that he reviewed.

In one case, police arrested an intoxicated 16-year-old child who fell off a bench with his pants tangled around his ankles. He was grabbed, rolled over and handcuffed despite not being physical with the police. Instead of de-escalating the situation, the police pepper sprayed the child. Then, when he asked to have his eyes washed out, the officer told him—and I actually cannot quote, because it would be quite unparliamentary of me. Minister, what happened to that child?

Dr Paterson: I will pass to the Chief Police Officer in a minute to speak more in depth about the specifics but I also want to put on the record that police have a very significantly difficult job and are confronted on a daily basis by really challenging situations in the community. Their overarching objective is always to keep the community safe and to keep themselves safe.

The incidents that were highlighted through the Ombudsman's use of force report were disappointing. I would like to point out that the use of force comes into play in a very small part of ACT Policing operations. The Chief Police Officer will be able to talk further about the numbers of use of force in comparison to the number of incidents that they attend. It is literally thousands of incidents over the years where they have used other methods to negotiate and to deescalate situations, and I really think they should be commended for that. Also, where use of force is, we have appropriate mechanisms in place to oversee these incidents, appropriate professional standards processes and the

Ombudsman's report, which is a very good example of accountability and transparency on these issues. The courts also play a role in this too in terms of these issues coming to light through the courts. I will hand to the Chief Police Officer now to talk further.

Mr Lee: Good afternoon. Mr Rattenbury, thanks for your question. As the minister said, obviously from our perspective in terms of the use of force own motion investigation from the Ombudsman, we acknowledge and we recognise the significant responsibilities that we are given on behalf of the community to exercise what are quite extraordinary powers to ensure that we keep the community safe.

Over the period of the own motion investigation, as you would be aware, there were over 445,000 incidents that our people responded to over that period. Of that, only 1.3 per cent of those incidents that we responded to resulted in a reportable use of force—so 5,902 incidents over a five-year period. In the vast majority of those incidents, our people acted with care, professionalism, empathy and provided a really professional response to the community.

But, as you have highlighted, there were a number of cases which were concerning cases in terms of the findings of the Ombudsman. We take those matters extremely seriously where we become aware of those matters. Obviously, where we do become aware that our members have not met our high standards, we review those matters and, where required, we report those matters to our Professional Standards Command that undertake those investigations. When those investigations are undertaken, there is a range of sanctions that are applied where we have an established finding. That can range from counselling and performance review up to the termination of employment. For this year, for example, through financial year 2024-25, we had one member terminated as a result of a professional standards complaint. So those sanctions are applied depending on the outcomes of those investigations.

MR RATTENBURY: Thank you. What happened to the child in that case?

Mr Lee: I will need to take that on notice in terms of that specific child, Mr Rattenbury. Certainly that matter was investigated by our Professional Standards Command. But, in terms of the actual child themselves, I will need to take that on notice and I can come back to you.

MR RATTENBURY: Thank you. What was the outcome of the professional standards investigation into that officer's use of force?

Mr Lee: There were a number of those cases that were subject to investigation. I would need to also take that on notice just to clarify whether that professional standards investigation has been completed or whether that remains ongoing.

MR RATTENBURY: Okay; thank you. So it is possible that the officer involved could be still serving and coming into contact with vulnerable people, including intoxicated children?

Mr Lee: That is right, but I think that is also where the sanctions are important in terms of what action is taken in relation to those members. As I have said, there may well be sanctions and there is counselling or other action that is taken to remind those members

of their obligations and ensure that they are complied with.

MR RATTENBURY: The *Canberra Times* has also this year run a series of articles—and it is quite a collection—about similar instances of concern. It included shocking footage of three adult ACT police officers taunting a First Nations child in the City Police Station, with one officer inciting him to “neck” himself.

Mr Lee: Yes.

MR RATTENBURY: What happened to that child?

Mr Lee: I have been very clear on the public record that that behaviour was unacceptable and will not be tolerated in ACT Policing. That incident has been referred to our Professional Standards Command. In relation to that child, I probably need to be a little bit careful. In terms of that particular incident and that particular offending, that child did appear before the Supreme Court and was sentenced in relation to the predicate offending and there were obviously statements made by Her Honour Justice Taylor in relation to that incident. But, in terms of any subsequent information in relation to that child, I probably would not want to talk about that in a public forum.

MR RATTENBURY: Okay. I understand he was pinned down in his cell and left handcuffed for 45 minutes after that incident. Is that correct?

Mr Lee: That is correct. The restraint of that child in the watch house, in the cell, and the handcuffing remain subject to the Professional Standards Command investigation. We are waiting on the outcome of that in terms of the appropriateness of that action. Obviously, we have been very clear on our statement in terms of what was said to him at the watch house intake. It was not acceptable and will not be tolerated, and it does not meet the standards we set for ACT Policing. In terms of the manner in which the child was restrained in the cell—and clothing was removed on the basis that it posed a risk of self-harm—remains subject to an investigation.

MR RATTENBURY: I understand the matter was referred to you by Justice Taylor. Is that the process where it then goes into professional standards?

Mr Lee: That matter had already been identified and referred through our complaint management process earlier—I think it was February of this year. I can give you the exact date. We have it in our pack here. So it had been referred to our complaint management process already. But, where we have judicial commentary on some matters—and there have been a number—I have actually just recently written to the Chief Magistrate and the Chief Justice to formalise that process where they write to me directly where there are issues of concern to the court. At the moment, it either comes to the DPP, there is comment in the media or it will come to me through our judicial operations, but I have sought to formalise that process with them, yes.

MR RATTENBURY: Thank you. The matter was also referred by the Commissioner for Aboriginal and Torres Strait Islander Children and Young People to the Ombudsman. Is there an outcome from that process yet?

Mr Lee: There were multiple complaint pathways, if you like, to our Professional

Standards Command. So, obviously, that has initiated the professional standards investigation, which is ongoing. There was obviously the process to the Ombudsman. We had also initiated our own process internally. Obviously that has resulted in the professional standards investigation that is underway.

MR RATTENBURY: What is the status of the officer who told the child to neck himself and the other officers who were goading him? Are they still working in frontline police roles where they could be interacting with First Nations children?

Mr Lee: In terms of the sergeant with the watch house intake, that sergeant is currently on leave.

MR RATTENBURY: I think one of the issues of concern that has arisen through all of this is there is often an opaque outcome in terms of consequences in some of these matters for the public. I accept your earlier comments around this is not the conduct of the majority of the force, but it does sit heavily on the community's confidence in the conduct that we receive, particularly of First Nations parents in our community. The absence of information on the outcome of these processes I think undermines community confidence. What steps are you taking to improve that process so the community can have greater confidence that there is a change in behaviour resulting from these examples?

Mr Lee: We take our complaint management process and our responsibilities extremely seriously. Certainly, where we have complaint information or the outcome to those complaints, such as sanctions and findings, there is obviously a number of considerations for us there in terms of the publication of that information. There is obviously a range of secrecy provisions that sit within the legislation and part 5 that we need to comply with. There is a range of privacy principles that relate to the members involved and also the health and wellbeing of those members, particularly where the outcome of those professional standards investigations results in administrative internal action. Where we have members that are subject to criminal proceeding and criminal charge, the AFP and ACT Policing will issue media releases in relation to those matters as we would with any member of the community. Obviously those matters, as they proceed through the court, are subject to public reporting as well.

We do acknowledge, however, the impact that this issue and the transparency has on community confidence and trust and what that means for us in terms of our police legitimacy. So there are a couple of reviews that are underway at the moment in terms of some of the recent commentary here in the ACT around transparency and what information can be provided. Our Professional Standards Commander is doing a review at the moment and looking to benchmark that with other jurisdictions to ensure that we have got a comparative understanding as to the level of information that is provided by other jurisdictions and what that might mean for us here in terms of whether we need to adjust our arrangements here in the ACT. So that is underway at the present time.

In terms of our overall professional standards arrangements—and you may have seen a response from Commissioner Kershaw to the Ombudsman around the part 5 review—there has been a broader review initiated by Commissioner Kershaw into the professional standards framework of the AFP to ensure that it is meeting the needs of the organisation and community in terms of how we are processing and responding to

professional standards investigations in the organisation at the present time, which obviously encapsulates ACT Policing. So there are a couple of those pieces of work—

MR RATTENBURY: You pre-empted my next question—so thank you.

Dr Paterson: The other point I would add is the importance of our recruits being appropriately trained. There is significant training that is undertaken for new recruits of ACT police. They do 33 days of use of force training. They do specific days around Taser training, for example. There is ongoing use of force training for all ACT police officers, ensuring that they are up to date with the most modern best practice methods of use of force but also in de-escalation techniques. I think a lot of this speaks to how we support the police workforce going forward.

MS CARRICK: My question is around police stations in Molonglo. When I am out in Molonglo, break-ins is one of the things I hear about a lot and response times from Woden. There is a commitment to a new police station in Molonglo. Can you tell me how that commitment is developing and when there will be construction money?

Dr Paterson: As we touched on very briefly in the last hearing, there is been funding in this budget for work to progress to scope a Molonglo police station. There was \$2.5 million funded over the next couple of years, which will allow the government to better plan for what a Molonglo police station will look like. Some of the complexity in this is around what the future of the Woden patrol zone is and Woden Police Station and the role of a Molonglo police station in the broader network of ACT Policing and what will be needed to be out there in terms of the facility.

That scoping work will be largely driven by ACT Policing in terms of what they think are the needs of police to be able to respond to community need in Woden, Western Creek and Molonglo Valley. Following that process, over the next two years—and Infrastructure Canberra will conduct that process—we will look to what the next steps are. As I have said publicly before, it does require the Woden town centre to start to go through the planning processes. It is quite dependent on that. But it is a priority. It was an election commitment that it is a priority to see a police station in Molonglo Valley.

MS CARRICK: When you say it is dependent on the Woden town centre planning processes, what are they?

Dr Paterson: The land release and the infrastructure settings out there—the arterial roads that go there—and getting all the basic road utility infrastructure out there.

MS CARRICK: Okay.

THE CHAIR: Were you saying that is the Woden town centre or Molonglo town centre?

Dr Paterson: Molonglo.

MS CARRICK: You meant Molonglo town centre. That makes more sense.

THE CHAIR: I may have a supplementary or two on this. The JOL report on policing

infrastructure advised that the Woden Police Station is at capacity and is unable to service the growing population in the service area of Molonglo. If Woden is currently at capacity, how is ACT Policing policing the Molonglo Valley?

Mr Lee: I can answer that, Mr Cocks, and then I might pass the Deputy Chief Police Officer. We service Molonglo at the present time out of Woden, as you have highlighted. As per our prioritisation model across ACT Policing, we also have the ability to divert resources from other patrol zones if required, if the incident requires additional support from outside of Woden or Woden already have a number of priority incidents that they might be responding to. So we have a flexible prioritisation model where we need to respond.

Certainly at the moment, with Woden, we service Molonglo and we respond to Molonglo from that arrangement. When our police officers are out in the field, we have a priority on being mobility driven through our technology. We have an ability for our members to operate remotely through their operational devices, their phones and laptops et cetera. So we have an ability to be agile and flexible in terms of how we respond to that. That is the way we service Molonglo at the present time.

In terms of the future with Woden, as I think the minister highlighted, the work we will do over the next 12 months for both Woden and Molonglo will determine the arrangements for what the future of a footprint in Woden looks like, including potential for a Woden police station and also then what our requirements will be in Molonglo to service the growing community in that location. That is the work that we are doing with Infrastructure Canberra over the next 12 months to inform some decisions for government. That will not only look at infrastructure but also look at potential resourcing requirements in terms of the growth of that location as well.

THE CHAIR: At the moment, what does the Woden patrol area take into? At one end it is Molonglo Valley. Are there other areas that it is reaching to? Where does it go in the other direction?

Mr Lee: I might pass to the Deputy Chief Police Officer on that. We obviously have a zone map, but we may need to take that on notice and come back to you just to give you an understanding of the full number of suburbs that it covers.

Ms Hudson: Just as the Chief Police Officer suggested, there is a number of other parts to Woden. Phillip is one, and I guess the zone itself comprises through down to Coombs and Molonglo. The offences reporting to crime rate has actually reduced by 7.7 per cent this year. We received 4,535 reports of crime this year in Molonglo, which is a reduction from the nearly 5,000 last year. That gives you an understanding of the amount of reports of crime that we get for that zone.

Mr Lee: Mr Cocks, if you wish, we can take that on notice in terms of that patrol zone, and we will come back to you on that.

THE CHAIR: That would be good.

MS CARRICK: I think it goes to the east, towards the inner south and Narrabundah a bit too.

THE CHAIR: That is part of what I was curious about, when I heard reports that, potentially, it is out towards the Fishwick direction somewhere.

Dr Paterson: We will take that on notice.

Mr Lee: Yes, we can take that on notice and come back to you.

THE CHAIR: That would be great. How has the increasing focus on Molonglo Valley impacted police operations in the Woden-Western Creek area over time and, by the same token, any additional pressures by trying to reach into those other extremities of the zone?

Mr Lee: In terms of our end of financial year, we have met our priority 1 targets in terms of response. For the first time in five years, we have also met our priority 2 targets in terms of our response times for all patrol zones. Previously, the primary issue we have had in meeting that target was actually the Woden zone in achieving that target. The ability for us to achieve that target this year has actually been leveraging some of our partnerships. Given the Woden patrol zone has the hospitals in the patrol zone. So, at times, there has been a significant diversion of resources in terms of servicing requirements to the hospitals on behalf of other zones. We have been able to work with Canberra Health Services in ensuring that, when our people need to attend the hospital, we can get them out and get them back on the road much more efficiently.

At the moment, with our priority 1 and our priority 2 responses, those targets have been met, including in Woden. So, from that perspective, we are certainly servicing those requirements. But, as the Deputy Chief Police Officer said, we monitor the issues that we have with crime in a number of locations and we know that we obviously have correspondence from a number of locations around the ACT.

THE CHAIR: Just quickly, because I know that there is—

Dr Paterson: Mr Cocks, I will just add to that before you move on to another question. There has also been significant investment in increasing police numbers. Since 2019, there is been a 10 per cent increase in police staff across the territory.

THE CHAIR: Just for clarity, is that sworn officers or just staff in general?

Dr Paterson: Yes, sworn officers since 2019. We are seeing multiple recruit colleges go through; we have seen an investment in \$107 million over the next four years to see 126 additional police officers; and our ACT Labor election commitment was to increase that number to 150 by 2029.

THE CHAIR: How much of that is dedicated to Woden—because we are talking about the Woden patrols zone?

Dr Paterson: There would be resources that have been allocated.

Mr Lee: That is right. There have been resources allocated to Woden from the More ACT Policing investment. We have also used More ACT Policing to invest in our

specialist units—for example, with the establishment of the domestic and family violence unit this year. That supports all patrol zones, including the Woden patrol zone.

THE CHAIR: You mentioned priority 1 and priority 2. Can you remind me what priority 2 is defined as?

Mr Lee: There are 14 incident types that are classified as priority 2. They are incidents that have a level of immediacy in terms of our response. But, in terms of the specific sections, they are: industrial accident; aircraft incident; explosive incident; bomb threat; check welfare at the premises; water incident; motor vehicle collision involving a serious injury or a fatal incident or involves an AFP or police vehicle; a disturbance; a missing person; a multi-agency event; a breach order; mental health psychiatric incident; robbery; and a fail to stop. They are the 14 incidents that sit under priority 2.

THE CHAIR: So they are still quite a high—

Mr Lee: That is right. To give you a sense, for this year, we had 13,592 priority 2 incidents across the ACT for financial year 2024-25.

MS TOUGH: I understand there is now a nominal police officer on site in the courts. How does this initiative work to make things more efficient and assist the police with dealing with the courts?

Mr Lee: Thank you very much for the question. The nominal informant process was put in place between ourselves, the courts and the DPP. That nominal informant has been in place for a number of months now. Certainly, it is delivering beneficial outcomes for the courts in terms of efficiency for ourselves and also for defence counsel in particular. The nominal informant is available in the court for the DPP and also for defence counsel should they have any questions in relation to any specific matters. The nominal informant is there to answer those questions and has ready access to our case management system.

The nominal informant also has access to our body-worn camera footage or other digital material that might be on our system. Should, for example, a defence counsel and their client be indicating a potential guilty plea but they want to review the body-worn camera footage first, then obviously we can make that available to them in real time. Where additional material may need to be introduced to the court, the nominal informant is available introduce that material for the court, thereby ensuring that we do not need to delay that matter and reschedule that hearing.

So there has been a range of positive outcomes in terms of providing efficiencies for the court and delivering efficiencies for us, the DPP and defence counsel. So I think it has been a very, very positive outcome.

MS TOUGH: That sounds like a really great step in ensuring justice can be achieved quicker for everyone by keeping the process running.

Mr Lee: Absolutely.

MS TOUGH: You said this started a few months ago.

Mr Lee: I do not have the exact date with me, but it started towards the end of last year. So it has been in place for a number of months.

MS TOUGH: And positive so far?

Mr Lee: Absolutely. Based on the positive benefits and the outcomes that have been achieved so far, I would imagine we will probably be expanding the program to provide additional support to the court, given the benefits that have been achieved.

MS TOUGH: Wonderful.

MS CASTLEY: Minister, I would like to chat about official visits. When a member requests a visit to a government facility, like a police station or AMC, routine activities and other jurisdictions, what is the government's process for considering the request and facilitating a visit and how long does that usually take?

Dr Paterson: The process would be understanding the operational impost on whatever agency you are talking about and what the requests from the individuals are, and we would go from there.

MS CASTLEY: I understand that you and Ms Morris agreed to an official visit to AMC back in March.

Dr Paterson: Yes.

MS CASTLEY: The visit took some months to arrange and it was then scheduled for a time when Ms Morris was on maternity leave. Is it normal for it to take months—2 March and I believe she was off in July—to organise a visit after it is been agreed to have the visit?

Dr Paterson: Yes, and we worked with the officers around a time that was suitable for them. As you can understand, AMC is an incredibly complex environment and having members walking through actually requires significant staffing support, getting gates and things locked and managing individuals within the facility. We organised a time for Ms Barry, Ms Morris and Mr Emerson to go out to AMC. Ms Barry cancelled and Ms Morris cancelled as well. So we cancelled and we will reschedule it.

MS CASTLEY: I note that your office reached out just the day before this hearing, in fact, to offer a new time for the members. However, that time offered was still while Ms Morris is on leave.

Dr Paterson: We are very happy to accommodate when she gets back. That is fine. We will work with the three members—

MS CASTLEY: So there is no need to be cynical that it is not being offered at a time after months that Ms Morris is unable to accept?

Dr Paterson: No, and we had it all organised, and it was organised with her office as well.

MS CASTLEY: Ms Morris also asked to visit a certain ACT police facility in November 2024. When did that tour occur?

Dr Paterson: There has not been. As I have said to you, Ms Castley, we will organise a briefing—so once with the CPO. Your office has not provided a time yet and not provided any context of what you would like to talk about, what your interests are and what Ms Morris’s interests are. So let’s do that first and then we can go from there and talk about where you might want to see—

MS CASTLEY: As discussed previously, I respect the CPO and we are very happy to chat any time. The request has come from members in our electorates to have a look at what our police officers are dealing with in their stations. That is why we are asking for a tour of the facilities.

Dr Paterson: The most appropriate pathway for us to organise that is to set up a briefing with the CPO, with yourself and Ms Morris, and we can go from there.

MS CASTLEY: That would have been great information from your office.

Dr Paterson: There are multiple emails to you and your office.

MS CASTLEY: Not offering and not explaining.

Dr Paterson: Yes, there are—from me, too.

MS CASTLEY: Not explaining the process.

Dr Paterson: Emails from me, offering you a briefing.

MS CASTLEY: Minister, if you will let me finish.

Dr Paterson: Okay, yes.

MS CASTLEY: There have been multiple emails requesting a walkthrough of the facility and also a ride-along. Not once were we told that the process was to have a meeting with you and the CPO. Could you please let me know if any other members, including ministers, have had visits to police facilities?

Dr Paterson: No; they have not. Hang on—I will take that question in a second. On 20 June, I wrote to you, saying: “Dear Leanne, I heard your comment on the radio this morning. We have been trying to organise a time for a briefing. We can organise a time for a briefing this week, after the sitting week, with the CPO. My office will coordinate.” There was a length of emails. Your office sent one that said, basically, that you were going to interrogate me in this process because we could not get a hearing time.

MS CASTLEY: Yes.

Dr Paterson: I wrote back on 9 July, saying: “Dear Leanne, if you want a briefing from

police, you have to work with us to set up a time. The CPO has been on leave. I am on leave now. I am back on the 22nd. Let us know a couple of possible dates for the briefing with the CPO and what topics you would like to discuss so we can organise that with you.”

MS CASTLEY: We would like to discuss—

Dr Paterson: That is in relation to coercive control. Those are the emails to you. We would love for you to have a briefing with the CPO and have a chat about what your priorities are, and we can get a feel for what you—

MS CASTLEY: I have seen a lot of those emails, but our request was for a ride-along in a car, and—

Dr Paterson: And I said, “Let’s go for a briefing first and then we will discuss other things that you want to do.”

MS CASTLEY: No—you said we need to talk to the CPO first. Why do we need to do that? Is there something that you do not want us to see in the stations in our electorates, Minister?

Dr Paterson: No. So let’s organise a briefing with the CPO first.

MS CASTLEY: Great. We will do that. Thank you.

Dr Paterson: Okay.

THE CHAIR: Is this process of requiring a briefing with the CPO a formalised process?

Dr Paterson: Pretty formal. We would—

THE CHAIR: As in it is a formal requirement that is set out somewhere?

Dr Paterson: If you want a briefing with the CPO, write to me and then I will—

THE CHAIR: Let me rephrase it so that it might be clearer. In terms of a ride-along, is the requirement that a briefing is first held with the CPO before a ride-along—

Dr Paterson: I think that is a very good starting point.

THE CHAIR: No—is that—

MS CASTLEY: Is it the process?

Dr Paterson: Yes. That is my process.

THE CHAIR: We are starting to get to it. My question is: is it a formalised requirement or is it something that you have implemented?

Dr Paterson: Yes; it is formal, because no-one off the street can organise a briefing with the CPO. It is a formal process between an MLA who writes to me formally and asks for a briefing with the CPO. I am absolutely dazzled that this is the most pressing issue for the Canberra Liberals.

THE CHAIR: Ms Paterson, we are trying to actually get the answer to the question that we asked, which was not about getting a briefing with the CPO; it was, in fact, about getting a ride-along.

Dr Paterson: And I explained—

THE CHAIR: Ms Paterson, I will ask again—

Dr Paterson: Dr Paterson.

THE CHAIR: Sorry; Dr Paterson—if that is the most pressing issue you wish to prosecute at this moment. I will ask again: is the process for getting a ride-along a process where a—

Dr Paterson: Would you like me to write you a policy document? Would you like me to send you an email about the process?

MS CASTLEY: We just want to know why it has taken so many months.

THE CHAIR: Ms Castley, I am very keen to get an answer to the simple question: is there a formalised process?

Dr Paterson: Yes. You write to me and we will formally set up a briefing and go from there.

THE CHAIR: That is the process to get a ride-along?

Dr Paterson: Yes; that is exactly the process.

THE CHAIR: Was there a formalised process that required those steps before you became minister?

Dr Paterson: I do not know what the previous minister did.

THE CHAIR: So this is a requirement that you have introduced rather than a requirement that was there when you came to office?

Dr Paterson: Yes.

MR RATTENBURY: Pre-screening.

THE CHAIR: Yes. As Mr Rattenbury put it: pre-screening. Is that process formalised and documented anywhere?

Dr Paterson: I can send you a document, if you would like.

THE CHAIR: Are you offering to draft a document or there is a document in existence already?

Dr Paterson: You are going to make me. I will draft a document that says, “Let’s organise a briefing with the CPO and go from there.”

THE CHAIR: That is not necessary.

Dr Paterson: Do you understand that ACT police have significant operational issues and they have significant security issues? Allowing anyone at any time into facilities—

THE CHAIR: Dr Paterson, I am just trying to understand what—

MS CASTLEY: We understand. It is not ACT Policing we have the issue with here, Minister.

Dr Paterson: Okay. I will write the Canberra Liberals a document that clearly outlines the processes that I would like you to go through so that we can organise a time with the CPO.

THE CHAIR: Dr Paterson, the reason I am asking this is to try to work out the scope of your requirements.

Dr Paterson: Let’s talk about it.

THE CHAIR: It sounds like there is no formalised document that you already have in place, but you would be willing to write a policy document.

Dr Paterson: I would be willing to write that up for you.

THE CHAIR: The policy of requiring a briefing with the CPO before a ride-along, putting aside the inefficiency that may entail. Has any other member asked for a ride-along?

Dr Paterson: No.

MS CASTLEY: Or a walk through a station?

Dr Paterson: No.

MS CASTLEY: Then, no minister has—

Dr Paterson: No minister? I thought you were saying “member”.

THE CHAIR: Well, ministers are, of course, members as well.

Dr Paterson: Sorry. Mr Steel came with me to City Police Station in the first couple of weeks, when I was first in this position, to understand some of the issues relating to City Police Station.

THE CHAIR: Did you require the same process for that?

Dr Paterson: I asked Mr Steel if he would like to come to City Police Station.

THE CHAIR: So you saw no reason for the equivalent briefing in that respect at that stage, because it was something you initiated because—

Dr Paterson: Because I thought it was important—

THE CHAIR: it was related to his ministerial responsibilities or—

Dr Paterson: Yes; it was, as Treasurer.

THE CHAIR: As Treasurer. Can you explain somewhat more?

Dr Paterson: I can, Mr Cocks.

THE CHAIR: How does that relate—

Dr Paterson: As you would be well aware, some of our ACT Policing infrastructure is very aged. We are really excited about the fact that we had significant budget investment last year to look at our renewal of and replacement of City Police Station and the Winchester centre. I asked Mr Steel if he would like to come through City Police Station to see some of the issues that our ACT police are facing, and that is what happened.

THE CHAIR: Okay. I am not sure we are going to get anywhere further—

Dr Paterson: I will write you a policy document.

THE CHAIR: Should you wish to do so, that is entirely—

Dr Paterson: You have requested it.

THE CHAIR: up to you, Minister. Ms Castley, I believe we are up to your substantive.

MS CASTLEY: Great. I would like to talk about ACT Policing headquarters and the city station. The budget released on 24 June allocated \$1.2 million to replace mechanical, electrical, fire and hydraulic infrastructure at the city and Winchester police stations. On 25 June, the government announced that \$3.8 million had been allocated to plan a new City Police Station and Winchester headquarters—

Dr Paterson: That was in the previous budget. The 2023-24 budget had the planning works for the Winchester centre and City Police Station.

MS CASTLEY: That is the \$3.8 million?

Dr Paterson: Yes.

MS CASTLEY: That was in the last budget?

Dr Paterson: The last budget.

MS CASTLEY: Okay. How long has ACT Policing and the government been considering the development of the new civic headquarters and the City Police Station? How long have you been talking about that?

Dr Paterson: It has been talked about for a while. In the last budget, as you said, there was substantial funding to really progress the work on this. The work has been progressing. We announced the request for expressions of interest for City Police Station. That is public at the moment. That closes next week. It is an absolute priority of the government to see—

MS CASTLEY: How long have you been talking about doing something for the civic—

Dr Paterson: I have been in the role since October last year, so that is how long I have been talking about it.

Mr Lee: It has obviously been a priority for me since I started, in March 2024, and, as you know, it was a priority for my predecessor as well. It has been for a number of years. Certainly, in terms of the progress we have been making over the past 18 months to get to this point, where we now have the public expressions of interest, a lot of work has been done by ACT Policing, Infrastructure Canberra and JACS. It was part of the first conversation that the minister and I had when the minister commenced in the role. If you wish, on some of the budget items—I do not want to get ahead of what your questions may be—I have Mr Healy here, who is responsible for some of our infrastructure works. I am happy to pass to him to give you some detail on some of the budget items.

MS CASTLEY: I am just keen to understand the timeline. If the expressions of interest fail to produce suitable private sites, can anyone talk about whether the government has identified territory owned land that would be appropriate?

Dr Paterson: These questions are probably best for Infrastructure Canberra, who are running this process. Ultimately, they are assessing all options. All options are on the table. We will go from there. Following this process, there will be recommendations to government about what steps are taken next.

MS CASTLEY: Will the Police Association be formally consulted on the design as well?

Dr Paterson: Yes; I am sure, when that happens.

MS CASTLEY: Is co-location on the cards? If it is the most efficient model, is there a thought to committing to co-locating the new civic headquarters and the police station?

Mr Lee: It is one of the options, Ms Castley. A number of options are being considered. I will probably take advice on how much of that information we can provide, not

because of the committee; just in terms of probity under the current process.

MS CASTLEY: Sure.

Mr Lee: I will pass to Mr Healy on what we can provide at the moment, noting that, as the minister said, it really sits with Infrastructure Canberra.

MS CASTLEY: Thanks.

Mr Healy: I acknowledge the privilege statement. As the CPO mentioned, Infrastructure Canberra take the lead on this. I will be part of the panel to assess the REOI responses. There have been positive responses from the market at this point. I cannot go into any more detail on that, unfortunately.

MS CASTLEY: I understand.

Mr Healy: All options are on the table. We are working through them with Infrastructure Canberra and will present a recommendation to government .

Dr Paterson: This is a big step forward for the territory. It will be fantastic for ACT Policing, as everyone is well aware. The current infrastructure at City Police Station and the Winchester centre are aged. They have had their time in the sun. We are really excited for the following processes, what they may offer and what the market may come forward with.

MS CASTLEY: Will the current City Police Station be retained in some form after the new facility is opened? Will it be decommissioned, or do you not know?

Dr Paterson: It depends on what happens.

MS CASTLEY: Okay. Perhaps you can talk about the impact that the known water leaks and the mould at the City Police Station and Winchester Police Centre have had on officers' safety, morale and retention?

Dr Paterson: I will start and will then hand over. Obviously, the water leaks and other leaks within City Police Station have an impact on police operations within the station and have an impact on morale, which is why the budget proposed funding to see that those things are remediated, the issues are fixed and that the stations remain open for business as usual, until we have the new infrastructure available.

Mr Lee: Ms Castley, I will pass to Mr Whowell in a minute, but I would say from the outset that, as you say, there have been some really challenging issues with the facilities. It has been a credit to our people, in terms of their resilience, their understanding and their patience, and how they have continued to serve the Canberra community. From that perspective, our members have continued to serve, which is an absolute credit to them and their commitment. I give credit to our people for working their way through that. I will pass to Mr Whowell, who can work through some of the detail on the works that have been undertaken.

Mr Whowell: I have read and acknowledge the privilege statement. Each time that we

have had a significant leak in any of our facilities, but particularly in City Police Station, we have undertaken a thorough investigation to identify the cause, but to also look at the potential work, health and safety impacts on members. Where we have identified mould, we investigated that mould and had it independently assessed and removed, and then treatments were put in place. Where people have had concerns, they have exercised their rights and put in place workplace incident reports. We have worked through those issues. We have done a whole range of things, in terms of humidifiers and other sorts of things, to improve the environment within those police stations. One of the issues that we had in City Police Station was around where the sewer was. That took a fair bit of infrastructure work as well. Recently, we had some leaks in the awning over the watch house. We have worked through that in the last month or so. It is ongoing because of the age of the infrastructure. We have addressed the issues. At the forefront of our mind has been the wellbeing of staff.

Dr Paterson: Policing has changed over the decades. For example, the way interviews are conducted, people are moved through stations and stations are operationalised has changed significantly. It will be fantastic to eventually have new infrastructure for ACT police in order for them to work in a modern workplace that aligns with their current operational practices.

Mr Lee: It ultimately delivers a better outcome for the community and victims. Ms Castley, the association will be consulted.

Dr Paterson: I would add that, as the Chief Police Officer said, victims attend these stations and give statements, particularly sexual assault and child abuse victims at the Winchester centre. We want to see that the facilities and processes that we can offer them provide an environment that can support them in the toughest times that they are going through.

MS CASTLEY: Has ACT Policing submitted any incident reports to Comcare regarding the mould, the leaks or other workplace safety risks? I am worried about the staff. That is where my question is going.

Mr Whowell: I may need to correct the record, but, from my recollection, nothing met the threshold for a notifiable incident to Comcare.

MS CASTLEY: Minister, if these workplace conditions occurred in the private sector, would they trigger a health and safety closure?

Dr Paterson: I do not know. I am not the minister for workplace health and safety. You would have to ask Minister Pettersson.

MS CASTLEY: Will do. Thanks.

Mr Lee: Ms Castley, where we have these incidents, there is an active decision process for us as to whether we need to close some or all of the station at the time. For some of the incidents Mr Whowell outlined, there is a decision framework that we undertake. We also initiated a work health and safety audit for the City Police Station. We did that to ensure that, where there were clear issues that we needed to remediate, we did it proactively. We undertook those mechanisms internally.

MS CASTLEY: Thanks for doing that. I understand that you have moved mountains to make this work. My disappointment is that the government has not provided adequate facilities for so long and that you have been put in this place. I am really grateful for the work that you have done and for taking care of your staff in the way that you have.

MR BRADDOCK: Minister, whilst definitely not denying the need for some of the facility works, I am interested in why the government decided to prioritise \$144 million for policing infrastructure versus a paltry \$6 million to fix the systemic issues affecting sexual assault complaints, particularly given the Prime Minister has declared violence against women to be a national emergency.

Dr Paterson: Sorry, Mr Braddock; what are you comparing—the money going into infrastructure in comparison to sexual assault—

MR BRADDOCK: The \$144 million for policing infrastructure versus the \$6 million for the sexual assault advocate pilot program?

Dr Paterson: All these things are significant priorities. As we have just discussed, it is critical that ACT police have a workplace that is fit for purpose and safe and can support them in the work that they are doing to support victim-survivors. I do not think it is an either/or issue. We need to do both. It has been a priority of the government in this budget to invest in addressing some of the recommendations of the police review. I will ask the CPO to talk more in depth, but the funding will support a sexual assault and child abuse team. It will also support sexual assault advocates, which will be a new model that we are setting up to support victim-survivors through the process. As well, there will be a witness support person through the DPP. I will hand to the CPO.

Mr Lee: Mr Braddock, as per the minister's statement, it is an absolute priority that we have fit-for-purpose facilities for the health and wellbeing of our people. We also need to acknowledge—and this is a conversation with Infrastructure Canberra and JACS as well—that infrastructure is a key neighbour of how we deliver effective policing services to the ACT community. This is ensuring that we have best practice soft rooms for the interview of victim-survivors—victims of sexual assault and children who have been subject to abuse—so that we have modern and up-to-date facilities to ensure that we can deliver the best investigative outcome, and also ensure that we provide the best trauma-informed response to victim-survivors. Infrastructure is a key neighbour of how we deliver those services.

As the minister outlined, in terms of sexual assault police response, with the government's investment we have reprioritised more ACT Policing funding to establish a fourth sexual assault and child abuse team to meet demand in our current workforce. There has also been additional government funding for us to supplement the Operation Foster team, which continues to progress historical sexual assault allegations. The other key strategy for us is that victim-survivor advocates from Victim Support ACT will integrate with SACAT, as well as independent victim-survivor advocates that sit within the CRCC, to help victim-survivors navigate the support mechanisms in the system. This is not only around funding; it is also around how to leverage partnerships to ensure we have a more integrated approach to deliver a better outcome. The work we are doing with the sexual assault police review is nation-leading, in terms of providing some of

that innovation and how we do that in a system sense and a partnership sense between all agencies in the ACT.

THE CHAIR: I want to quickly clarify. It sounds like you are saying that you are actually investing police resources into responding to sexual assault needs in the community as well.

Mr Lee: That is right.

THE CHAIR: Also, if I understand correctly, the facilities that would be upgraded and built go some way to providing a better place to sensitively handle those issues.

Dr Paterson: Very much so.

Mr Lee: Yes. They are critical, Mr Cocks.

MR BRADDOCK: I have some detailed questions about restorative justice. I am keen to know how many referrals police made to restorative justice in the past year. And how did that compare with the previous year?

Mr Lee: I will pass to the Deputy Chief Police Officer on this issue, Mr Braddock. We certainly remain committed to restorative justice and other diversionary pathways. In restorative justice referral, similar to last year, we did not meet the 100 per cent target this year. It remains a priority for us, in terms of how we continue to educate our workforce and work with other elements of the Restorative Justice Unit within JACS, to ensure that, where appropriate and people are eligible, we refer people to restorative justice pathways. I will pass to the Deputy Chief Police Officer on that issue.

Ms Hudson: In the last financial year, we diverted 35 people to the RJU. Thirty-one of those people were under the age of 18 and there were four adults. Out of the 35 people, two were First Nations people and they were both under the age of 18.

MR BRADDOCK: This might be already incorporated in the answer. I am not sure, so I apologise. In the last two years, in how many other matters did police take a diversionary approach instead of proceeding to charge a person? Is that the same as the numbers you just gave me or is that a different cohort?

Ms Hudson: There are some other numbers. We also have drug and alcohol diversions. In the last financial year, on top of the 35 for RJU, we diverted 204 matters in respect of drugs and alcohol. Of those 204, 146 were drug diversions, and 54 were non-compliant. Also, there were 14 simple drug offence notices. That is in relation to drug diversion. And there were six alcohol-only referrals.

Mr Lee: Mr Braddock, we have a figure, which we will get for you if we can from our material or we will take it on notice, regarding the number of cautions that were issued.

MR BRADDOCK: Thank you. I appreciate that. CPO, you mentioned in your response that you did not achieve the 100 per cent target. I believe there were some barriers in the workforce or training that was required. What were those, and how are you planning to overcome them?

Mr Lee: Earlier this year, we issued some additional awareness material to our people on restorative justice pathways. That was issued around March this year, in terms of the pathways and processes for restorative justice referral. We have a key initiative at present that we are introducing into what we call our PROMIS mobile system for our frontline staff. It is an enhanced module around decision frameworks and authorisation by supervisors, in terms of considerations around restorative justice referrals, so that we ensure that some of those decisions are taken in real time. At the moment, our diversionary team, which sits in our vulnerable persons portfolio, reaches out to case officers to look at whether people are eligible for restorative justice. We are making some process improvements in the context of those restorative justice pathways to ensure that we are doing that through the supervisors. Also, we are putting in place other mechanisms through the Therapeutic Support Panel and what we call ROMA. I will pass to Mr Whowell. He has been part of this piece of work and can outline some additional detail for you.

Mr Whowell: The other thing to consider in terms of the way we have looked internally to improve referrals was that we looked at the training for recruits and our local procedures. We have updated and refreshed those. One of the other things that we have been working through is not necessarily just referring people; it is also about the willingness of the victim and the person who is the subject of the investigation to be participants in that as well. We have been working through those issues as well.

MR BRADDOCK: When will we see some actual outcomes flowing through from the initiatives you have just described?

Mr Whowell: I am hopeful it will be in this current financial year. That was the expectation behind undertaking all those measures. It is something that we will look at in the next six months or so.

Mr Lee: My expectation is that we will see some benefit from the changes we are making this financial year. There are also some other key initiatives that we are implementing at present. We have the minimum age of criminal responsibility reforms, with 12- and 13-year-olds. That is work that we are doing with the Therapeutic Support Panel. And we have a recidivist offender process for high-risk youth in the territory. There is a case management approach in parallel to our enforcement activity. Where we need enforcement and young people are in the criminal justice system, it is about how we ensure we look at long-term disruption and intervention processes that can be delivered by other support services in the ACT. Some key initiatives sit within those frameworks.

MR BRADDOCK: Thank you.

MR RATTENBURY: You briefly mentioned the rollout of the increase in the minimum age of criminal responsibility. I note your comments and concerns before it started. It seems those matters were resolved before 1 July.

Mr Lee: Yes.

MR RATTENBURY: Are you able to give us any insights on how it is going so far?

Have your concerns been allayed or have they manifested?

Mr Lee: The concerns that I expressed related to the availability and the capacity of therapeutic support services and ensuring that they were available 24/7 to meet the intent of the reforms. Those concerns have been addressed. We have therapeutic support services which are available to our members 24/7, and that has been occurring. We have updated data, in terms of the matters that we responded to for minimum age of criminal responsibility, which we could quickly provide the committee.

MR RATTENBURY: I would appreciate it. I am impressed by Ms Hudson's array of data.

Mr Whowell: It was a pretty significant training effort. We trained about 700 people in the lead-up to 1 July to be ready with new powers and things like that. We are in regular contact with our partners in Health and Community Services and the actual provider of the SYRS. These figures relate to the period between 1 July and 28 July. The children we have come across who would otherwise have proceeded through the criminal justice system are recorded in our system as children under the age of 14. We have dealt with 10 matters: six alleged assaults, one of property damage, two firearms and weapons offences, which I understand were knives, and one offence against good order. Going to what the CPO was saying in terms of referral to CYRS and the Therapeutic Support Panel, in the same period we had two referrals to the Safer Youth Response Service, seven to the Therapeutic Support Panel, and three to both. That is in the situation where we cannot find the carer, where they are on a care and protection order or we cannot find a responsible adult who has custody of the child.

MR RATTENBURY: Thanks. That is interesting.

Dr Paterson: To reassure the committee, an oversight committee currently exists—it will not exist for too much longer—to manage the transition.

Mr Whowell: We are meeting with the minister and those partners to work through some of the implementation issues, to make sure that all the comms are out there—that our people know how to contact the providers, and whether something occurs that we could not have planned for. We are doing that for a short period, and then we will see whether we need to continue that in some form going forward.

MR RATTENBURY: Terrific.

Dr Paterson: Ultimately, we really want this to be a great success.

MR RATTENBURY: Of course.

Dr Paterson: We are having really close conversations with the CPO, the Attorney-General and Minister Pettersson as well as this progresses. We will continue to do so, so that we can support those young people.

MR RATTENBURY: Thank you.

THE CHAIR: On behalf of the committee, thank you for your attendance today. If you

have taken any questions on notice, please provide your answers to the committee secretary within five business days of receiving the uncorrected proof *Hansard*. On behalf of the committee, I thank witnesses who have assisted the committee through their experience and knowledge. We also thank broadcasting and Hansard staff for their support. If a member wishes to ask questions on notice, please upload them to the parliamentary portal as soon as possible and no later than five business days from today.

The committee adjourned at 5.25 pm