



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

SELECT COMMITTEE ON ESTIMATES 2026-2027

**(Reference: [Inquiry into Appropriation Bill 2026-2027 and
Appropriation \(Office of the Legislative Assembly\) Bill 2026-2027](#))**

Members:

**MS C BARRY (Chair)
MR T EMERSON (Deputy Chair)
MR A BRADDOCK
MR T WERNER-GIBBINGS**

PROOF TRANSCRIPT OF EVIDENCE

CANBERRA

TUESDAY, 4 AUGUST 2026

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**Secretary to the committee:
Mr J Bunce (Ph: 620 50129)**

By authority of the Legislative Assembly for the Australian Capital Territory

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

APPEARANCES

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Amended 20 May 2013

The committee met at 9.01 am

Appearances:

Pettersson, Mr Michael, Minister for Business and Industry, Minister for Arts, Creative Industries and the Night-Time Economy, Minister for Children, Youth and Families, Minister for Multicultural Affairs and Minister for Skills, Training and Industrial Relations

Chief Minister, Treasury and Economic Development Directorate
Starick, Ms Kate, Deputy Director-General, Economic Development
Comacchio, Ms Teresa, Acting Executive Branch Manager, artsACT, Economic Development

Cultural Facilities Corporation
Hendy, Ms Georgia, Executive Director, Canberra Theatre Centre

THE CHAIR: Good morning and welcome to this public hearing of the Select Committee on Estimates 2026-2027 for its inquiry into Appropriation Bill 2026-2027 and Appropriation (Office of the Legislative Assembly) Bill 2026-2027. 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 contributions 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 web-streamed live. When taking a question on notice, it would be useful if witnesses use 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 Mr Michael Pettersson as Minister for Business and Industry and Minister for Arts, Creative Industries and the Night-Time Economy, and officials. As we are not inviting opening statements, we will now proceed to questions. I hand my first lot to Mr Milligan.

MR MILLIGAN: Thank you, Chair. Good morning. My question is in relation to the Digital Account for business that was meant to be established. I have here, from 2025, that progress for the update for the ACT Small Business Strategy identified action 1.12, which states:

Explore a digital account for business that would allow businesses to manage their transactions with government through a single account.

That sounds great. Where is that up to? Is there money in the budget for it? Has it

been actioned? Has there been any consultation?

Mr Pettersson: It is a very important initiative, Mr Milligan. It does not sit with me. It is best directed to Digital Canberra.

MR MILLIGAN: Why would it sit with Digital Canberra? If it is focused around small business and setting up an account for them to communicate and work with Access Canberra in relation to business activities, why does it sit there and not here?

Mr Pettersson: I would put it to a change in government IT systems.

MR MILLIGAN: Will it come to you once it has been developed? Will you then be responsible for the management and operation of that?

Mr Pettersson: Not on the current AAs. That is for sure.

MR MILLIGAN: Can you give a bit of an update on the Small Business Strategy? I think it is meant to expire this year. Is that correct?

Mr Pettersson: We can do that. Noting where we are in the estimates process, if you have any further questions from the previous line, I am happy to take them on notice for you and we can get the answers.

MR MILLIGAN: Excellent. That would be good. Where are we up to with the Small Business Strategy, then?

Mr Pettersson: I will hand to officials.

Ms Starick: The Small Business Strategy is a whole-of-government strategy. Not all the actions that have been identified in that strategy sit within this portfolio; they are across a range of portfolios, as the minister has said. More than 86 per cent of the strategy's 52 priority actions have been completed or are completed and ongoing. We meet with business peaks regularly through a consultative forum to test and track the outcomes of the Small Business Strategy and get feedback on business sentiment. That information will then ultimately be used to evaluate the strategy once it is complete and to consider what we do at the end of this strategy.

MR MILLIGAN: You mentioned that some have been completed. Is there a list or data or a document that gives an update as to—

Ms Starick: Sure. There is currently an update on the completion online, on the ACT business website. We are about to do another update towards the end of this year on the status of those actions as well. We publish that, and I can send you—

MR MILLIGAN: It will be published on the website?

Ms Starick: Yes.

MR MILLIGAN: In terms of the new strategy—I take it for 2027 to 2030, or something like that—where is that up to? Have you started that business strategy if

this one is to expire this year?

Ms Starick: We have started to collect intelligence and feedback from organisations, but we have not gone to the next stage of consultation. I would say we are in the very early stages of planning.

MR MILLIGAN: How do you break up that consultation? Is it done by business representatives, groups or associations, or is it done by business sectors? Of course, you have a lot of businesses out there that are just mum-and-dad businesses and are not a part of an association or anything. How do you consult with them? How do you reach out to those people?

Ms Starick: If I look back at the consultation that was done for this strategy, it came out of the COVID period, and there had been significant consultation undertaken by a range of government entities with small businesses then. One of the challenging things, as I think you are alluding to, Mr Milligan, is that small businesses have multiple calls on their time, and we do not necessarily want to put more pressure on them by coming out to consult. There are also different modes of getting in touch with small businesses. They use different modes of communication.

The information that we used to inform the current Small Business Strategy was based on previous consultation. For this consultation, we are still working through what the different mechanisms would be. For example, we have a newsletter that we publish monthly which goes out to more than 8,000 small businesses and contacts. There is a good avenue of contact through that. As I said, the Small Business Strategy is a whole-of-government strategy. There are multiple reaches to small businesses that we would anticipate using to get in contact with individual business owners and operators, as well as the peaks, the Business Chamber and a whole range of entities like that.

MR MILLIGAN: In terms of the uncompleted tasks from the previous strategy, will they automatically roll across or will they be re-assessed again?

Ms Starick: It is hard. We have to look at it. I would say that it would partly depend on what the feedback is and whether it is still a priority for small businesses. This is a strategy that was developed in 2023, so it is reasonable that we look at all the actions to see what is relevant and what is going to be relevant in 2027 to 2030. Since then, AI has been a significant influence in the business environment. That was not contemplated in 2023 when the Small Business Strategy was developed, but AI and cyber safety are now of significant interest to a range of industries and businesses.

MR MILLIGAN: Who decides the focus areas of this strategy?

Ms Starick: Ultimately, strategies are agreed by government, but they are informed by stakeholders.

MR MILLIGAN: Obviously, a lot of the challenges that businesses face have not changed. They are the same as they were five years ago and 10 years ago. They are about government rates, fees and charges, and government processing times. It is red tape and bureaucracy in the broad sense. How is this strategy going to streamline how business interacts with government, and, at the end of the day, how are government

going to ensure that business can be successful and that they are there to support them?

Mr Pettersson: We cannot pre-empt a strategy that has not been developed. We acknowledge that some of those concerns that you have raised are issues that are raised by business. There are multitude views across the business community about the supports they need. As a government, we want business to succeed and thrive in this city. There are different views, not just in the community but also within the chamber as to the best way to do that. I am hopeful that we can develop a strategy with relevant actions that go to progressing sensible, pragmatic improvements. If there are opportunities to do things better, we want to grab onto them. Hopefully this is an opportunity to do that.

MR MILLIGAN: Thank you, Minister.

MR EMERSON: I want to ask about artist eligibility for grant funding. It has been put to me that artists are ineligible for a grant funding for exhibitions that are said to be held in spaces that already receive government funding. Is that accurate?

Ms Comacchio: I have read and understood the privilege statement. The artists are eligible to apply to Arts Activities Funding for artsACT exhibitions in art centres, but they are not eligible to apply for the portion that is exhibition fees where artsACT is already funding arts organisations for that through the Arts Organisations Investment Program. The difference with Arts Activities is that they are designed to support artists, and then art centres and arts organisations are funded through the Arts Organisation Investment Program. The design of those two programs is to have a clear delineation between which parts of the sector we are supporting. We can absolutely support artists through Arts Activities for the development of work that may be displayed in an arts centre, or, if it is initiated by them, we would cover the exhibition fee. If it is something that is already funded through another program, we make sure that we have that separation.

MR EMERSON: Say I am an early-stage artist and I want to put on an exhibition, but the gallery I am looking at charges an exhibition fee and I cannot get funding to cover that exhibition fee. What is the outcome now? What is the expectation from artsACT for an artist earning bugger-all money?

Ms Comacchio: We encourage any applicant to Arts Activities Funding to contact us before they submit their application in any circumstance, because it may be that they are eligible to be funded for the exhibition fee. But it would depend on the circumstance, as to where they were showing and what we were supporting that art centre for already. It may be an exhibition that is already funded under the program.

MR EMERSON: That is a bit different from what you just said, which is that you would not cover the exhibition fee if it is at a gallery that is receiving government funding.

Ms Comacchio: If it is funded through the Arts Organisation Investment Program through the deed of agreement that we have with the arts centre. It depends on what is funded.

MR EMERSON: What has been put to me is that an early-stage artist is going to look outside of the ACT for somewhere they can show their work, because they are not able to cover the exhibition fee themselves and the organisation that is receiving some level of government funding is not receiving enough to make it a fee-free exhibition space. Has that concern been raised with you—that we are sending early-stage artists out of the ACT?

Ms Comacchio: It has been raised with me as a concern by industry, most recently through the Minister's Creative Council. I committed to look at the guidelines to consider whether we need to be clearer on who is eligible to apply for exhibition fees or to consider how we can prevent artists from not applying at all, which is probably my main concern if they think that they are not eligible. It would be a concern if they were not applying at all. My worry is that, in tweaking any kind of policy, there might be unintended consequences, and we absolutely want Arts Activities Funding to be for artists, their development, what they create and how they promote it.

MR EMERSON: How they promote it is critical in being able to do exhibitions. Most early-stage artists are not able to run their own exhibitions. I get that some people are doing them in share houses and that sort of thing, but most of them have to pay for them, and the spaces that are available for early-stage artists to apply for this funding are not getting enough funding themselves to provide fee-free spaces.

Ms Comacchio: I do not think that many artists would not be eligible to apply for our program, although I do not have the stats, to be fair. Most of them would be eligible to be covered for that, I would say. It would not be prohibiting many artists from applying for Arts Activities Funding.

MR EMERSON: Perhaps you could take on notice how many artists applied in the last financial year and were excluded because they needed to use some of the funding to put on an exhibition in a space funded by the government. I suppose that, to your point, that will not cover all of the scenarios, because there is certainly a perception among artists that they are ineligible, in which case they are not going to apply. And perhaps, with that question, you could lay out very clearly what the policy is. From a government perspective, it might be seen as double-dipping, but I do not think that is how artists or the arts organisations are seeing it.

Ms Comacchio: I will take that on notice.

Ms Starick: Mr Emerson, if there are approaches to your office, perhaps you are able to refer people to artsACT to go through the criteria, just in case they are unintentionally excluding themselves from an opportunity.

MR EMERSON: All right. That sounds great. Thank you. Another issue that has been raised is artist fees. I am curious about the government's policy in determining who is successful for any grant applications—how you look at artist fees when they are included in people's bids?

Ms Comacchio: Applications to Arts Activities are stronger if the artists pay a fee. There are rates by NAVA that are set for best practice. We also have our

remuneration guidelines. We would certainly be encouraging any application to pay fairly for artists, and that would be looked at more favourably for applications to Arts Activities Funding.

MR EMERSON: That includes when artists themselves are making an application—that they include a reasonable fee based on the code of practice?

Ms Comacchio: Absolutely. We encourage that.

MR EMERSON: That is different from what I have heard—that advice has been given to some artists to not include artist fees to increase their likelihood of success in a grant application.

Ms Comacchio: I think it would be the opposite.

MR EMERSON: Interesting.

Ms Comacchio: In feedback, we have actively encouraged them to pay themselves a fair wage.

MR EMERSON: And that is included in the funding that is provided to them?

Ms Comacchio: Yes.

MR EMERSON: That is good to hear. Thank you.

MS CLAY: Minister, we welcome the 25 per cent increase for arts organisations. That was very welcome. The CPI increase in the 2024 funding was 2.5 per cent. At the time, CPI was 6.2 per cent. What is the indexation on this uplift in funding?

Ms Comacchio: The indexation is 2.5 per cent on an uplift in funding.

MS CLAY: And that is probably going to be less than CPI and WPI.

Ms Comacchio: The indexation is 2.5 per cent.

MS CLAY: How was 2.5 per cent picked?

Ms Comacchio: I am not sure of the origin of that, but we have committed that, where there is funding available to pay indexation, whether it is 2.5 per cent or more, we would distribute that to arts organisations.

MS CLAY: I am not sure what that means. There is 2.5 per cent indexation, but, where there is funding, you might do more and distribute—I am sorry; I do not understand what that means.

Mr Pettersson: Let me jump in. The 2.5 per cent is the standard Treasury rate. It is not the same as the community sector rate, for example. That is the decision of government.

MS CLAY: So government have decided on 2.5 per cent. I am trying to work out what they have decided given that it is not CPI or WPI. It is not anything that would be logical. How did government pick 2.5 per cent?

Mr Pettersson: I do not know the history behind that decision.

MS CLAY: You are welcome to take it on notice. They must have a reason for picking 2.5 per cent.

Mr Pettersson: Yes. I am happy to take on notice to provide any context to that decision. Regarding the indexation rate that is applied to things, it really depends on what you are trying to combat—the expenses that are experienced by an arts organisation; probably a large combination of labour, insurance and other costs; and whether they all track neatly with wages, for example.

MS CLAY: I cannot think of a single one of those that would be less than WPI, though. Most of those are increasing much faster than WPI or 2.5 per cent.

Mr Pettersson: I in no way seek to undermine the inflationary experience we have all been through in recent years. I need to put on the record that that has not always been the case. I understand your advocacy for a different rate in these circumstances.

MS CLAY: Great. Can you maybe take on notice which organisations have received funding in 2026-27 and which organisations received funding in 2025-26? I have had mixed feedback from different arts organisations. There was a lot of enthusiasm about the 25 per cent increase, but then some organisations have been given less than they got last year, and some organisations I think have been defunded. It would be good to get a public list of which organisations are funded. Is that something that can be taken on notice and provided?

Mr Pettersson: Yes; definitely. Two things have occurred simultaneously. We have increased the funding to the Arts Organisation Investment Program. We have simultaneously also gone through a new round, for which people had to apply. There has been movement in a range of directions. We have communicated the results of that process to all of the applicants. It has not gone out as a public media release at this point. The budget did not give too much of a timeline. We are looking at releasing the totality of those results more widely by probably next week, but each individual organisation should now be aware of what their application received.

MS CLAY: Regarding organisations that, for instance, put in a budget bid for what they got before and then suddenly had a budget cut, how did artsACT communicate with those organisations? Was there a meeting or a conversation or—

Mr Pettersson: Why don't we step through the process and then we will get to that end question about how that was communicated to them, if that is okay?

MS CLAY: Yes.

Ms Comacchio: Organisations applied by the end of last year to the Arts Organisation Investment Program. I take your point that some of the organisations may not have

received the outcome that they had been hoping for, but a rigorous process was undertaken to assess every application, and it took a long time—more than six months—to assess them. We had input from peer reviewers as well—that is, industry or sector experts—and had several moderation meetings. At the end of the day, it is a competitive process. The total ask from arts organisations annually is \$17 million, and, even with the 25 per cent uplift, the availability—and this is not in a financial year but in a calendar year—was around \$11 million. So there is still that \$6 million shortfall.

It is a quite competitive process to be funded through this program, and organisations were required to demonstrate past governance, financial sustainability, their audience reach, and how they will engage with artists and arts workers. Also, the guidelines were quite clear as well, that, in assessing those applications, we take a sector-wide view of the landscape of the arts sector. It was a competitive process, and I acknowledge that not all arts organisations were happy with the outcome.

MS CLAY: I understand that not everybody is happy with government decisions. That is a given. Maybe it is easier if I take you through a case example. MARION is the only organisation for writers in the ACT—there is no other organisation—and they used to get \$185,000 over four years, and they have been told they have been offered \$150,000 over two years, which is quite a step down for the only organisation that represents writers. How was that communicated to them? And have they been given feedback? You said that there was a rigorous process. Have they been given explicit feedback about why they had \$35,000 of their funding cut?

Ms Comacchio: As the minister said, outcomes were communicated at the end of July to each of the organisations. Now what we are doing at artsACT is meeting with each of those arts organisations to discuss the application and provide some feedback on it, but we will also talk to each of the organisations about what is next. We will be doing that with MARION very soon.

MS CLAY: So they will be getting explicit feedback, as will every other—

Ms Comacchio: Yes; absolutely.

MS CLAY: How many organisations are there?

Ms Comacchio: Twenty-eight.

MS CLAY: So each organisation will get a meeting to go through their application and whether—

Ms Comacchio: Yes; absolutely.

MS CLAY: How did all the organisations get the information initially that they did or did not get their budget funding or that they had their funding removed altogether? How did that information come through to them?

Ms Comacchio: They received that information through a letter, either from the minister or from artsACT.

MS CLAY: Did many organisations receive reduced funding or had their funding removed altogether?

Ms Comacchio: There are some, and we will be meeting with them in the coming weeks.

MS CLAY: How many were there?

Ms Comacchio: Because the announcement has not come through, I would not feel comfortable in sharing the results. At the moment, we have only communicated one-on-one, but we will soon be sharing that information with an announcement.

MS CLAY: There will be an announcement, but you have also taken it on notice?

Ms Comacchio: Yes. We would not do that before the announcement. Also, for all of the organisations that have been funded, the amounts and the purposes for which they have been funded will be published on the artsACT website probably later this month.

MS CLAY: Regarding the organisations that have been successful in getting some funding, are there new requirements that they have to meet?

Ms Comacchio: It depends on the application. I would not talk to individual ones, but we will also be meeting one-on-one with them. Under the deed of agreement, there will be KPIs. It is really important that the organisations that did receive an uplift in funding were required in their application to demonstrate the outcomes that would be delivered, and they had to be proportionate to the request that they were providing. In response to your question, yes, they are required to do something that is different or improved or scaled.

MS CLAY: Have you received feedback from any organisations who are concerned that they cannot meet the KPIs for the funding that you are giving them?

Ms Comacchio: No, but we have not determined the KPIs yet. We will be doing that when we meet with them.

MS CLAY: So they got offered funding and then they get given the things that they need to do deliver for the funding?

Ms Comacchio: Yes, but they connect directly to the application that they had provided. We have already allocated funding based on what was in their application.

MS CLAY: Based on what they said they could do for the money?

Ms Comacchio: Yes. We have had requests from the sector that the KPIs be proportionate—that they be tailored to them.

MS CLAY: If somebody has asked for a certain amount of money, say, \$185,000, and then artsACT gives them less funding, are you going to ask them to deliver all the KPIs that were in their budget before that money, or are you going to moderate that, given that they have obviously worked out what they can do for the money but they

have not been given that amount of money. Do they still have to do the same amount of work?

Ms Comacchio: We will be having that discussion with the organisations one to one.

MS CLAY: So that will be a negotiation, not a government decision, “You must deliver this”?

Ms Comacchio: We do have expectations of what they would deliver based on their application and what they said. It has to be proportionate to the funding that they are being given.

MS CLAY: Okay. Thank you.

THE CHAIR: I have a really quick supplementary on that, just in case there is a recommendation coming out of that. Ms Clay, did you say \$185,000 over four years?

MS CLAY: Yes. They used to have \$185,000 over four years and then I think they have been offered—

THE CHAIR: \$150,000 over two years?

MS CLAY: Yes, although it might be best to write the recommendation when you get the information on notice.

THE CHAIR: On notice, okay. It is \$150,000 over two years. That is more than \$185,000 over four years. But we will wait for the information.

MS CLAY: No; \$185,000 per annum over four years versus \$150,000 per annum over two years.

THE CHAIR: Okay.

MS CLAY: Excellent. I want to have a chat about Screen Canberra. Has the government effectively reduced the amount or the percentage of funding that it is giving to Screen Canberra?

Mr Pettersson: Interesting question. Screen Canberra continues to be funded to provide its functions and roles. What we have seen through budget decisions is a change in the timing and sequencing of some of the funding to support screen activity.

MS CLAY: Sorry; you dropped off at the last bit there, Minister.

Mr Pettersson: Sorry, I have got a bit of a meek voice at the moment. Support for Screen Canberra itself continues. What I think you are probably looking at is a change in the sequencing or timing of some of the supports to screen activity.

MS CLAY: Can you tell me what those changes are?

Mr Pettersson: The easiest way to summarise it is changing it from a financial year

to a calendar year rollout of some of the funding.

MS CLAY: So they have not had any reduction in funding; it is just that it is a January to December, not a July to June?

Mr Pettersson: In terms of the sequencing of when grant rounds would be open.

MS CLAY: Yes, but no change to the funding level or the funding percentage that comes from the ACT government?

Ms Starick: I might add to this. There are two streams of funding. One is for the operations of Screen Canberra to administer and to run the grant round and the other one is for the direct grant funding. The direct grant funding has been rephased, as the minister said, into a calendar year. The funding for screen operations and for them to do all the work that they need to do to promote Canberra as a screen destination, to work with small businesses and digital start-ups and to promote the grant round that will be opening later this year—all of that work—is continuing.

MS CLAY: So there was no reduction to either pot?

Ms Starick: The grant funding is new money.

MS CLAY: So the grant funding is new money and Screen Canberra is still going to be getting—

Ms Starick: The operation funding, yes.

MS CLAY: I am so sorry to ask; it was just confusing when we got that it was different sequencing.

Ms Starick: That is okay.

MS CLAY: Is there any cooperation or coordination of funding support and other resources for local emerging or established filmmakers that are administered or dispensed by the ACT on the one hand and by Screen Canberra on the other?

Ms Starick: There is some complementary funding that occurs through the arts activity funding and Screen Canberra.

MS CLAY: *Austin* was pretty cool. *Austin* is not being filmed here anymore. Is that because of the withdrawal of government incentives here?

Ms Starick: No; I would not put it down to any one thing that the ACT government did. South Australia put forward a strong case. It is quite competitive.

Mr Pettersson: South Australia is throwing money at everything. In general, the ACT government supports to industries pale in comparison to some of what the larger jurisdictions can and do offer, particularly in Queensland in recent years and now with South Australia in screen. It is very challenging for us to try and provide that same competitive environment.

The other thing I would point to when it comes to the *Austin* decision is that the lead time for any production work is a very long time, years. So having the funding available at the right time in advance is essential to being able to secure future filming and production. One of the challenges that occurred with *Austin*—the simplest—was that South Australia was throwing money at it and, at the time *Austin* was looking for that financial support, we did not have our grant round open, which goes to some of the thinking about when we have our grant round open.

MS CLAY: So you think if your grant round had been open, it may have been a different outcome?

Mr Pettersson: Probably not; South Australia is—

MS CLAY: Outspending you.

Mr Pettersson: Yes.

MS CLAY: So you have not reduced; they have just increased?

Mr Pettersson: On the totality of how much we want to spend on grants to the screen industry, we think we roughly have that about right. We have a small but growing industry. There are opportunities for the ACT, but I do not necessarily think this is going to be the prime, largest, biggest industry for the ACT. I think we have kind of got the funding in the right ballpark. There is a question of timing and there is a question of watching what other incentives other jurisdictions are doing.

MS CLAY: Sure. Maybe on notice, can you take a breakdown of the government funding through Screen Canberra that is directed to WildBear Entertainment versus the percentage of Screen Canberra funding that goes to other screen and film businesses and activities in Canberra? Is that something we can get on notice?

Mr Pettersson: We can definitely do that. If there is any more detail you want in that question on notice, though, feel free to let us know now. Just about WildBear?

MS CLAY: Actually, what would be great is a breakdown of what the Screen Canberra funding is. That would be great.

Ms Starick: Can I just ask: over what period?

MS CLAY: In the 2026-27 budget—or maybe 2025-26 and 2026-27. Thank you.

MR MILLIGAN: My question is in relation to the Arts Capital staffing and its structure. What is the technical experience of the staff that are employed through Arts Capital?

Ms Comacchio: Of Arts Capital, the organisation?

MR MILLIGAN: Yes.

Ms Comacchio: I would not have that information to hand. They are independent of us.

MR MILLIGAN: The government has multiple owned facilities across the territory. When do the tenancies come up for review—say in facilities like Gorman House and others? How often are they reviewed?

Ms Comacchio: Can I just check: are you talking about the organisations that we fund to manage those facilities on our behalf or the tenants that are within?

MR MILLIGAN: The tenants within.

Ms Comacchio: I would not have that information, because that is the business of a facility manager like Arts Capital. We are not a party to any sub-licenses. They would exist between the tenants themselves and Arts Capital.

MR MILLIGAN: How does the investment in capital, like in infrastructure, that comes from the ACT government compare with the investment into the grants that actually go to the production companies that produce works? The government is investing a lot of money into infrastructure. How does that actually compare with the money going into the grants programs for local production companies? How is that set?

Ms Comacchio: In terms of a breakdown between the two?

MR MILLIGAN: It just seems like there is a lot more money going into infrastructure than what there is into productions and supporting local production companies.

Mr Pettersson: That is a view held by some. I think there is a balance that needs to be met at any given time in the funding for artists and arts organisations and to the infrastructure they need. We get a range of representations on all of the above. I suspect, based on yesterday's hearing, that those representations will continue. The biggest gap that has been identified in the ACT has been some of the larger-scale venues, which is why the construction of the Lyric theatre is so important.

However, that is not something that every Canberran necessarily identifies as a priority for them or their arts organisation. For some, funding to artists directly or arts organisations is important. As a government, we see tremendous benefit in having a thriving cultural life in this city, which is why we want to do both. We want to invest in both art and the places where art takes place, which is why we have increased in this budget funding for arts organisations by 25 per cent. In the budget last year, we increased funding for arts activities by 50 per cent. At the same time this is taking place, we are undertaking generational infrastructure investment as well. I think we have got an important story to tell about the role of art in our city and we will continue to invest in it.

MR MILLIGAN: Do you think that there is the right balance between small, medium and large facilities? Has there been an assessment of all our facilities here and the need from the arts community?

Mr Pettersson: We have undertaken an arts assets needs analysis with the consultants in Lockbridge. That work is imminent. I cannot wait to see it myself. I do not want to pre-empt it, but I suspect it will probably pick up many of the things that you hear. We have a wide array of facilities in the ACT. Geographic spread of them is of community note, as is the concentration of certain types of facilities. I am always amazed at the number of theatres we have, for example, in the ACT, particularly small and medium size. The analysis will help us ensure that, as we look to the future, we can make sensible and informed decisions about the arts infrastructure we need, overlaying that with some of the views of community members and members of the Assembly about what that future investment looks like.

MR MILLIGAN: And will that be published?

Mr Pettersson: I do not see any big problems with that. I am sure it will be—

MR MILLIGAN: We will touch base when it is done.

Mr Pettersson: If I say no, it will get FOI'd. So it will have a journey to public light in some way.

MR MILLIGAN: You may as well just hand it over.

Mr Pettersson: There is nothing to hide in there.

MR MILLIGAN: Of course.

Mr Pettersson: I think having a conversation about arts infrastructure with a shared starting point of understanding is very good. I think it is also useful in pulling out maybe some of the merits or strengths of certain representations. Just because you have a loud and frequent voice does not make your point correct, but it might be.

MR WERNER-GIBBINGS: If this question has been asked, please let me know. I am interested in how the Lyric Theatre is going to work within the Canberra Theatre Centre and the programming. Has that been asked?

Mr Pettersson: Indeed.

MR WERNER-GIBBINGS: Okay; great. How is the Canberra Theatre Centre going to program the Lyric Theatre? Will the local arts sector be involved in the programming and the runs?

Ms Hendy: We have just completed a process to refine our performing arts strategy for the theatre centre more broadly.

MR WERNER-GIBBINGS: Of the whole Canberra Theatre?

Ms Hendy: That is right. It includes provision for the period that the Lyric Theatre will be open. It aligns to the Cultural Facilities Corporation strategic priorities 2026 to 2029. It maps out our commitments and the programs and initiatives that we will be

undertaking during that period.

It is a balance of venue hire, of shared risk with other external promoters, supported hires and programmed activities. So it is a balanced program and portfolio for the Lyric Theatre and for our other venues, which is consistent with the way that we program at this time. In that strategy, we have put together a variety of pillars which will guide our thinking. There are four streams which we will be really focusing on, each of which has various programs and initiatives that fall below.

We will continue to focus on young audiences—schools and families programming—and that will feed into all of our venues and really increase access for young people in the venue. We will be focusing on major moments, and we will be doing that over the period in the lead-up to the Lyric Theatre opening and obviously expressing that, particularly in the Lyric Theatre. That is works of scale and works of high impact—so we will be focusing on major moments. We will be focusing, as we have already and we will continue to do that, on celebrating Canberra. That is supporting local artists and amplifying Canberra’s creative community. We will be making sure that we continue a variety of programs and initiatives that support Canberra audiences and make sure that we tell stories that resonate with Canberra.

We will also be focusing on a stream we are calling, “In the Making,” which is about building capacity in the industry. That is working with CIT to ensure that we train technicians to run the venue, our work experience programs with schools and our mentorships programs to make sure that we have a pipeline of creatives and arts workers who can work across the venues and the sector more broadly.

MR WERNER-GIBBINGS: So there are going to be opportunities. An interesting thing flowing down is that, up until probably 15 or so years ago, the local Canberra theatrical productions did have a decent shot at being able to use the Canberra Theatre to put on productions—and prior to that as well. With 2,000 people at the Lyric Theatre, that is a big stage and that would be a big field. It would take all the major opportunities, but there would be opportunity perhaps for the Canberra Theatre with its 1,500 to be used for ambitious local productions. Is that something that has been considered?

Ms Hendy: Yes, all of our venues are available for a variety of hires from the ACT, nationally and internationally, as well as the supported programs that we do to encourage Canberra artists and companies to use the space. In 2025-26, the value of the investment in the ACT supported programs, supported venue hires and supported development activities was to the value of over \$300,000.

MR WERNER-GIBBINGS: Are supported hires discounted effectively?

Ms Hendy: Yes. There is a variety of different programs that we do within that—mentorship programs for artists and seed funding to develop work—and we will be continuing those initiatives. We are not venue-specific in that; we are very happy for them to take place across the entirety of the building. We work with the companies and artists to place them in the best space to suit their needs and to support the outcomes that are most appropriate for them. Sometimes that is within the Canberra Theatre Centre and sometimes that may be in other venues around Canberra as well.

MR WERNER-GIBBINGS: With the advent of the Lyric Theatre, the gravitational pull of the Canberra Theatre Centre will be that much more extraordinary in a good way, but there is some concern for the smaller regional theatres that artists would be more keen to come here because this is where most of the action is, it would be available to hire and because people will be coming. Is there a conversation going with the regional theatres in terms of, “This is what we are thinking about; this is where some opportunity is; this is where we can share or spread the art”?

Ms Hendy: Conversations are certainly underway and will continue with other organisations in Canberra and the ACT. A thriving ecology is important for all of us. As I said, sometimes we are the right venue for the artist in the company and sometimes there is another more appropriate space for them. So we do really respond to the needs of what we discuss with those companies and artists.

MS CARRICK: You mentioned the CIT and that you work with them for training technicians. Is it at Woden where the creative industries are? Where do you train the technicians?

Ms Hendy: Our involvement in that partnership is onsite at the Canberra Theatre Centre.

MS CARRICK: So they come there?

Ms Hendy: That is right. We supply the venue and we supply some content specialists and technicians to assist their onsite hands-on training within the Canberra Theatre Centre.

MS CARRICK: Okay, thank you.

MS CASTLEY: I would like to talk about the MusicACT and the artsACT websites.

Mr Pettersson: Shoot.

MS CASTLEY: Let’s start with the MusicACT website. How much money has been put into that and how long has it taken to build to the point that we can see it today?

Ms Comacchio: Are you talking about MusicACT’s website?

MS CASTLEY: Yes.

Ms Comacchio: We do not have any involvement with the development of their website. MusicACT is a funded organisation under the Arts Organisation Investment Program.

MS CASTLEY: How much did they get to build the website?

Ms Comacchio: I will have to take that on notice, because I am not sure that they were provided any funding to develop their website. I would have to check.

MS CASTLEY: How much money does the government give MusicACT?

Ms Comacchio: Can I take that on notice?

MS CASTLEY: Yes; sure—and their KPIs for what is required, what the government have asked them to do with the money you have given them. Obviously, a website was part of it.

Ms Comacchio: For their funding and KPIs. Can I take that on notice to bring back to you?

MS CASTLEY: Sure. I do not know where to go from here, because it is not very effective. I am just wondering whether the government is aware of that and—

Mr Pettersson: I am happy, through this hearing, to take on board some feedback—and I am sure they would be keen to hear it.

MS CASTLEY: I would love to know what feedback they have received with regard to the website and how many hits they get. It basically just seems like an online spreadsheet. There are no live links. The legal link sends you to Legal Aid. There are other better tools existing in the ACT that have not got any great funding, and I am wondering how MusicACT are held to account for the money that they are given.

Ms Comacchio: Okay.

MS CASTLEY: Then can I pivot, with the chair's indulgence, to events and booking events and things like that? So, if you are running an event in the ACT and you are a small business and you need to get approval to run an event, is it still the case that you can have 10 events? You fill out a big application form to have an event; if you want to stage outside, you have to make sure you tick all of the boxes; whether your directors are first aid officers and things like that. Am I in the right group now?

Ms Starick: Possibly not, Ms Castley. Probably those questions are best directed to Access Canberra.

MS CASTLEY: Okay.

THE CHAIR: Just noting your kind suggestion, I think it was to Ms Clay's questions, do you want to take that on notice, noting that this is the last session?

Mr Pettersson: Yes. Always very happy taking things on notice.

MS CASTLEY: Okay, so for money for music grants—I know we talked about artists earlier—is that separate buckets of money? So, we have artists that might paint or do things like that, and then we have musos in town, is there a separate—?

Ms Comacchio: No, there is not. Arts activities funding is for all art forms.

Mr Pettersson: And there is a broad mix. It is truly impressive, the broad variety of arts activity that is funded in it—including live music performance.

MS CASTLEY: Right. Okay.

Ms Comacchio: Ms Castley, I have just confirmed the amount that MusicACT receive in the current funding round, which is from 2023 to 2026, which is \$125,000 annually. And that is to deliver professional development programs and services for contemporary musicians and bands. There is nothing specifically in that agreement around their website.

MS CASTLEY: I am wondering if you are able to go back and ask them about previous years? Maybe it was something that they were asked to do a few years ago.

Ms Comacchio: Yes.

MS CASTLEY: I am just keen to get that information on how many people are utilising the website and how many hits, and what feedback have they received.

Mr Pettersson: We will take it on notice, and we will ask and see if they want to provide that information. I am sure we could probably get that information. I also meet regularly with MusicACT. I will draw to them your line of questioning and your observations, which may achieve the outcome that you are seeking.

MS CASTLEY: Okay, thank you.

MS CARRICK: The arts policy is to be the arts capital of Australia and to have arts everywhere, all the time. With your needs analysis, I am just concerned with who you consulted with. Who did you consult with that would stand up for Woden, Weston Creek, Molonglo, those districts?

Ms Comacchio: Because we are finalising the arts asset needs analysis, I do not have that information to hand, but it would be included in the report. But I am not sure that we actually would share all of the details of absolutely everyone who responded, either, to our survey. We had one-to-one stakeholder meetings, so probably after that report is finalised, we would be able to do that. But that would be a question for the minister. The minister has not seen the report yet.

Mr Pettersson: I have not seen it. In terms of who has been consulted, I do not know off the top of my head. We pay these consultants way too much money, so I hope they do a good job of it. I would make a broad comment that artists and people interested in art in our city live across the full breadth of it. There is not a monopoly on where people who are interested in art live. I am quietly confident that we have got broad interest and buy-in from across the city.

MS CARRICK: Yes, it is just that when the arts organisations come to me, as they do every MLA, to advocate, they are advocating for where the facilities are now—for more money, for maintenance. They are not advocating for new facilities in other areas, because they have already got their facilities. So, it concerns me that we are not clear on it; that we are getting a view from all districts, because if there is no arts centre there, it is very hard to find somebody. I mean, we have just had somebody open up at the Duffy shops, a private one. It is very difficult to have a small shop

space and to sell enough art to pay the rent, so I hope she does very well.

But that is, you know, the desperation out there, the interest. She is flooded with interest because people want local stuff. But the policy is arts everywhere all the time, so it just really concerns me. CIT being the creative industries, were they consulted about their needs? Is there a performance space in the CIT for the creative industries? Why have we got creative industries in that new CIT? Do we not have a performance space, visual arts and performing art—why isn't that all in these spaces? Or is it?

Mr Pettersson: There is a couple of threads; we might need to step back through the questions. In terms of CIT Woden, there definitely is a performance space and there are opportunities in that performance space to do some of that hands-on learning; lighting, sound. I am yet to go to a gig there in Woden, but—

MS CARRICK: Me too. Like, is it working?

Mr Pettersson: I feel like, when we did the walkthrough tour, you saw the space. It is a beautiful space.

MS CARRICK: Yes, but it is upstairs. There is no access to it at night, so without security guards and, you know, how do you protect the rest of the CIT? It is not as if it has got after-hours access on the ground floor that you can get hundreds of people in and out of. You have got to have access up into the building. It is very odd. I have not been to a gig there, and I do not know anybody that has.

Mr Pettersson: I will make sure, when I see one pop up in the calendar, we will get you an invite, Ms Carrick.

MS CARRICK: That will be good, thank you.

Mr Pettersson: And then you had some questions about geographic spread, Woden, and the organisations making representations to you. I similarly get representations, probably on both sides, from existing arts organisations that already have a home who, understandably, are looking for upgrades, commonly. I also do receive representations from arts organisations that do not currently have a home or may be looking for a new place to call home.

And so, I do receive those representations to build and create new spaces. If I had unlimited money, I would do lots of exciting things but I need to operate within the funding I have available. And so, the government has made decisions to invest in artists, arts organisations, and to fill some of the gaps in venues that we have in the ACT. I am excited, though, for the opportunity in the future to consider, with the art access needs analysis, what the future looks like.

MS CARRICK: Have you been involved with the development of the Molonglo town centre, to ensure there is a cultural, artistic sort of space there?

Ms Comacchio: I have not specifically been involved, but we do sit on the working group for the Woden town centre. "We" being artsACT.

MS CARRICK: And have you put forward any views to that working group about the gaps there?

Ms Comacchio: I mean, I think we have certainly—our role on that working group is around how arts is represented. So there is, you know, activity that happens within Woden and so—yes.

MS CARRICK: Can you describe that to me? You are talking about Tuggeranong providing pop-ups? And so, you know, they have always got a problem with space. Where do they do that, because there is limited space for their pop-ups?

Ms Comacchio: Yes. So, yes, Tuggeranong Arts Centre does provide some satellite activity. There have also been some organisations funded under the Regional Arts Fund which is a partnership that we have with Regional Arts Australia. And so there has been activity happening in the library at Woden, and I would have to check the other location.

MS CARRICK: We using that space? Have you talked to Tara Cheyne about when Access Canberra moves in there if we will have the space for this sort of activity?

Ms Comacchio: No, sorry, I am not across that.

MS CARRICK: No! Nobody talks to each other. Lord.

THE CHAIR: Thank you, Ms Carrick. I am sure the officials feel your frustration.

MR EMERSON: I want to ask about the former transport depot, and get an update on that. This announcement was made in January of last year, then it was out to tender, submissions closed in March of last year. Obviously, we are in August of this year, and I am still getting contacted by stallholders wondering what is going on. I understand that current licence expired on 30 June—was that last year or was that this year?—and there was a monthly occupancy agreement, and it can be cancelled by either party with three months' notice. I asked about this in March, minister, and you said you were not in a position to provide any clear timeline. Can you do that now? Where are we up to?

Ms Comacchio: I am not in a position to provide a clear timeline. We are currently in negotiations for a new, potential—for a licence—for that site. They take as long as they take, negotiations, so I do not have a clear timeline on that. The current occupiers of the former transport depot are on a month-to-month holding-over arrangement until the process is completed.

MR EMERSON: And that is a negotiation with current occupier?

Ms Comacchio: I am not in a position to say who the negotiations are with. The current occupier of the former transport depot, we have written them to encourage them to keep their stallholders updated. I do appreciate that you are getting representations from the stallholders. We are not in a position to speak directly to them, but we would expect that the current occupiers would do that.

MR EMERSON: Why is this taking so long? I understand ongoing negotiations, but sometimes you have just got to lock yourselves in a room and get it done, right? This has been going for months and months and months.

Ms Starick: I do not think it is through not investing the time and energy into achieving an outcome. As Teresa has said, these are multiple parties that are in negotiations and the aim is to get the best outcome that we can for the former transport depot, so that it what we are working towards.

Mr Pettersson: It takes two to tango in negotiations, Mr Emerson. You are right; you could lock yourself into a room and ensure you get a good outcome by agreeing to anything, but this is an important asset for the ACT that, I think rightly, many Canberrans have a strong attachment to and want to see utilised in the best and most appropriate way.

These negotiations have taken a long time. It has been immensely frustrating for many people, particularly for stallholders. It is my understanding that, with the best of intentions and a lot of a hard work, the officials are trying to progress this.

MR EMERSON: Is the sticking point around making sure this important community asset, as you said, minister, is utilised throughout the week? Because there was a decision made to go out to tender, right? And at the time, the communication, I understood, was, “We want to see this utilised more often than just on the weekend.”

Ms Starick: I might jump in here. Yes, the intent that was in the tender documents was around activation—activation in line with the arts precinct that was the Kingston Arts. As we know, there has been some rephasing there. In going out to procurement, it is our obligation to ensure that our expectations and our assessments are based on what we went out to tender for.

MR EMERSON: And on the “two to tango” question, have you set an internal deadline for, if you cannot reach agreement with the current dance partner, looking for another dance partner?

Ms Starick: Our internal deadlines and processes are governed by what is required under probity.

MR EMERSON: And what are they?

Ms Starick: Whatever is in the Government Procurement Act, and how we reach a resolution with probity advice.

MR EMERSON: Is there actually a time? I do not believe there is a duration that—

Ms Starick: There is a period under which a proposal is valid for. That is under the act, and we are obviously acting in line with what is required under the act, or progressing in line with what is under the act.

MR EMERSON: Yes, okay. Because, you know, it has been 18 months since the tender opened.

Ms Starick: I do not disagree.

THE CHAIR: Thank you. 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. Thank you.

Short suspension

Appearances:

Pettersson, Mr Michael, Minister for Skills, Training and Industrial Relations, Minister for Children, Youth and Families, Minister for Multicultural Affairs, Minister for Arts and Creative Industries and the Night-Time Economy, Minister for Business and Industry

Health and Community Services Directorate

Akhter, Ms Sanzida, Executive Branch Manager, Women, Youth, LGBTIQ+ and Multicultural Affairs

Brendas, Ms Tina, Acting Executive Group Manager, Inclusion Division

THE CHAIR: We welcome Mr Michael Pettersson as Minister for Multicultural Affairs, and officials. Please note that as witnesses you are protected by parliamentary privilege and bound by its obligations. You must tell the truth, as given false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. For the Hansard record, when you first speak, please state your name and the capacity in which you will appear. As we are not inviting opening statements, we will now proceed to questions.

My first question is around the minister's response or representations around racism and bullying in schools. Minister, the ACT government's response to racism in schools: in 2023 the ACT Human Rights Commission released a research report involving almost 2,500 children and young people in the ACT. As part of that research, a survey responded to by over 300 young people indicated 44 per cent had directly experienced racism and 83 per cent had witnessed it. Many of these children and young people indicate that they often experience racism at school.

Minister, as both the minister for children and young people and the minister for multicultural affairs, what representation have you made to the education minister about implementing any initiatives seeking to address racism in ACT schools?

Mr Pettersson: Sorry, if you could just repeat that question. Which report were you referencing?

THE CHAIR: The ACT Human Rights Commission report, *It really stabs me*; a 2023 report on children and young people's experiences of racism in ACT schools.

Mr Pettersson: I have not made any representations in relation to that report.

THE CHAIR: Okay. Have you made any representation in relation to racism in schools? Is this an issue that has come to your purview?

Mr Pettersson: In a general sense, most definitely. Unfortunately, racism has been far too topical in our community and in our city, and this has been a large area of interest across government. Government is keen to progress legislation to address hate in our community. We are keen to support our vibrant multicultural community. We want to address racism. There are already, I guess, large systemic pieces of work that have taken place within the education directorate to make schools more inclusive places. However, a lot of that work, I think, precedes that 2023 report you made reference to.

So your line of questioning is an important reminder to redouble our resolve particularly in education.

THE CHAIR: I have received representations from several multicultural groups, especially the Multicultural Hub, about how exhausted they are going to schools to address this. What they tell me is that the schools are not equipped to do it, so they call on them. Has there been any work done to assist these multicultural groups, to ensure that they are addressing racism in schools?

Mr Pettersson: With mHub in particular, or in general?

THE CHAIR: In in general, multicultural groups in general, because what I have heard is that they come to them as the first port of call, but there is no strategic, I guess, plan on how to address the issue. So, they are the first port of call, but what is the overall strategy to address racism? Particularly when you see what is happening around the world, it is really important that you tackle it when it starts. And in primary school, secondary school, it is really important that you start to deal with those issues there before we have the problem they have in Europe and other areas.

Mr Pettersson: Indeed.

Ms Akhter: Sanzida Akhter, Executive Branch Manager, Women, Youth, LGBTIQA+ and Multicultural Affairs. So, I will have to touch on the other portfolios of the minister and myself, to respond to this question, because it cuts across the whole youth sector and including the multicultural young people. That report that you have referenced, Ms Barry, was written by one of our Youth Advisory Council members at the time. That report made, of course, a huge impact on how government will respond.

Since then, we have been working very closely—actually before then, but our partnership has been strengthened—with the commissioner for young people. She has been partnering with us very closely across a number of our initiatives, including the 2026 Youth Assembly where we had discussed racism as a core theme that affects the young people. And, obviously, we had a reasonable representation of the multicultural young people who talked about how this happens in school and what could be done. And they are now working to develop the recommendations from the Assembly discussion.

So that is one aspect of it. And obviously, there is ongoing discussion and consultation because it had been, at that time, brought into the attention of the Ministerial Advisory Council for Multiculturalism. As a result, as part of the committee consultation, discussion forums, MACM has included within that discussion—one of the focus areas was racism and how that can be addressed from both adult multicultural community perspective and also bringing the young people into the mix, through that lens. So, we have been working on these matters in partnership with relevant government areas and also with our committee partners and MACM and Youth Assembly forums with the young people in the city.

THE CHAIR: My understanding, though, is that the Youth Assembly forums is what, 15 to—? What is the age group for that?

Ms Akhter: That is 12 to 25.

THE CHAIR: So what are you doing specifically in schools for the under-12s?

Ms Brendas: If I can jump in, this might be a question for the education directorate.

THE CHAIR: I am saying, what representations have you made as the multicultural office to the education directorate, if any?

Ms Brendas: I am not too sure what we have—But education directorate have a safe and supported schools policy, and that includes racism and bullying. They might be better placed to provide some advice around what they are doing in that space in the schools.

THE CHAIR: Okay. So you do not have any involvement—?

Ms Akhter: So the Youth Assembly is also delivered in very close partnership with the education directorate. The Youth Assembly, the themes and the discussion topics are shared across schools' bulletins, and any outcomes that will come out of that discussion will also be shared with the education directorate. So, in some way, I want to make a point that the education directorate has been working with us on this space. We can continue to work together and make sure that they address it in their programs as appropriately as they can.

THE CHAIR: And one final question: what work are you doing with mHub to alleviate that workload on them, having to address this issue of racism in schools?

Ms Akhter: I am not responsible directly to manage that contract, however, though, we can continue to discuss with mHub because they have a number of contracts with us.

THE CHAIR: I am not talking about contracts; I am talking about the general policy position.

Ms Akhter: Yes, okay. So what I meant to say is, if that is a funded program by the ACT government, that mHub is delivering on behalf of us—

THE CHAIR: They are not funded to do it, that is the thing. They are getting called by schools and they are not funded to do that, at all. That is the problem.

Ms Akhter: There are some programs that we fund. I can get the names before this session finishes, with mHub.

THE CHAIR: Okay. Please.

Ms Akhter: Also, I guess I would like to make a point that mHub is one of our partners in delivering and celebrating and supporting the vulnerable youth during the youth week and many other initiatives. So they do get funding. Now, the question for us is how we can have those discussions better with mHub and understand where the

capacity gaps are, and how can we work better supporting them. We can definitely do that.

THE CHAIR: Now, you get it. Thank you.

MR EMERSON: I wanted to ask about advice from the Ministerial Advisory Council on Multiculturalism, and how that is being actioned. This budget lists delivering the annual National Multicultural Festival to share multicultural traditions and celebrate diversity, to promote social cohesion in the Canberra community in line with the Multiculturalism Act 2023. That is the action that fulfils the function of the council, which is around ways to promote multiculturalism in the ACT. And everyone loves it, it is the best festival in Canberra, obviously. But I am wondering about what other advice the minister has received in the last 12 months through the council on how to promote and strengthen multiculturalism in the ACT, and how that is being actioned.

Mr Pettersson: Thank you for the question, Mr Emerson. The council is an important entity. I just want to be clear; it is not the be-all and end-all. I seek advice and the views of the entire community, not just the council. However, the council is resourced and given a certain prominence that enables those members to engage, potentially more fulsomely, in some of these matters in providing advice and their views. So it is with that weight that I consider their sage guidance.

The issues that are highlighted to me as areas of concern do not necessarily line up neatly with the headline, simply, of multiculturalism or racism. Commonly, the issues that are highlighted to me are issues that exist across the entire community, and the council wants to highlight a particular intersection of that issue with the multicultural community. For example, the council had a particular interest in problem gambling and how that impacts the multicultural community in a potentially different or unique way, to the wider community. And so the work the councillor took, and sharing with me their views on that matter is, I think, very important.

MR EMERSON: Okay. So part of that is, I suppose it goes a little bit to Ms Barry's questioning, providing advocacy from this part of government to other areas of government to ensure multicultural voices are reflected in government decision-making across the board? Given we are, though, seeing a concerning decline in support for multiculturalism across Australia, I think it would be a mistake to assume that is not happening in the ACT to some degree.

Mr Pettersson: Well, we have seen some of the polling on ACT politics recently. I think that speaks to something happening.

MR EMERSON: Exactly. Do you feel that one multicultural festival a year, as great as it is, is enough to address this issue?

Mr Pettersson: No, no, no. Not even slightly. The Multicultural Festival is a vibrant and colourful celebration that is much loved. It is one weekend a year, and it gets most Canberrans but it does not get every Canberran. I think the big-picture solution is bigger than any one festival or celebration. It is about a culture of inclusion. It is about providing the appropriate supports to make sure that when people do come to Canberra and call it home they are given all the appropriate opportunities to start and

build their lives. And to make sure that when people do experience racism in our community, it is responded to fulsomely and appropriately, whether that is through engagement of law enforcement or other civil pathways.

But above and beyond that, I think there is a role for public leadership and the role that we all play as public office holders to make sure that our voices are loud and clear that racism is not okay; that everyone is welcome here. I think that is probably more potent than any one festival ever will be.

MR EMERSON: Lowy Institute research shows the number of ACT residents who describe cultural diversity as “mostly negative” increased from 7 per cent in 2024 to 21 per cent in 2026. And the number describing it as “mostly positive” decreased from 65 per cent to 45 per cent over the same period. Is there any increase in funding in this budget, specifically to address declining apparent support for multiculturalism in the ACT?

Mr Pettersson: I cannot immediately think of a specific initiative. So, I appreciate that observation, Mr Emerson. If I was to try and diagnose some of the forces that we are operating against, I think social media algorithms and some of the online discourse are very powerful and near overwhelming in their potency. That is challenging for us, as a small jurisdiction, to push back on; not to say that we cannot and should not.

Whether a specific budget initiative would be useful, I think is a fair point. That is expenditure that would be helpful whether it is in a celebration, an anti-racism campaign, further supports for people that have experienced racism. With a completely open mind, I see benefits in all of those things. The more the better. There is a real and rising problem, and put up against tremendous forces.

MR EMERSON: Agreed.

MR WERNER-GIBBINGS: Just a quick one on the Multicultural Festival as Mr Emerson touched on. It feels like the Multicultural Festival is at capacity, in civic. Are there plans to expand it, or expand its footprint outside of civic, at any point? Or has any thinking been done about that for satellite events in the way, or akin to how, Floriade has had successful satellite events?

Mr Pettersson: You are a brave politician, Mr Werner-Gibbings. This is a question that comes up frequently. In the analysis and the consultations that have been undertaken, there is such a strong association with the Multicultural Festival that its home is in civic. It would be a tremendously courageous move to move it. Having it in—

MR WERNER-GIBBINGS: I did not say move it.

Mr Pettersson: Satellites?

MR WERNER-GIBBINGS: I said make it bigger.

Mr Pettersson: Bigger?

MR WERNER-GIBBINGS: “Multiculti 2.”

Mr Pettersson: Well then the problem you run into in the city is it is quite a large festival already. Expand it to where in the city? I had a briefing, in the anticipation of the last festival, where we were scoping out possible spaces for future activation. And we are really utilising every available opportunity, as is. There are some very, very, marginal spaces we could try and utilise. But they would not be particularly fruitful.

We have in recent years, as everyone has observed and I hope enjoyed, leaned more heavily on Glebe Park. It has got some shade, it has got some grass, and we do not have to deal with some of those traffic concerns. Shutting down roads in the CBD is a tremendous task, from the cost of traffic control to the inconvenience and barriers that it presents to residents and local shops by having those streets closed. So Glebe Park has been a very useful addition to running the festival. You mentioned, I guess, satellite offerings?

MR WERNER-GIBBINGS: Yes, that is what I am interested in. So you keep it in civic because that is where the heart is but, if it is too big, there would be, perhaps, opportunities to do a part of, or a portion of, a Multicultural Festival in another location.

Mr Pettersson: I do not want to freelance too much, because I am going to give Sanzida a heart attack. The Multicultural Festival is a huge undertaking. It is year-long planning. So, I do not want to potentially burden already overburdened public servants in trying to put on another festival or celebration, or diffuse across the city their areas of interest and responsibility and work. But would it be cool to have celebrations in other town centres? Yes.

Ms Akhter: We did undertake a feasibility study to understand what the community would like the festival location to be, and the recommendation was that it remained in the city. So, I guess that was to inform the government decision around the future location as the city landscape is undergoing construction. That informed the government decision at the time, that for the moment it should stay in the city because that is what the community wants.

Additionally, in terms of satellite events ideas, there was a grant program we tested to undertake some satellite activities. Obviously, they were still close by, in the city and Braddon area. That, we explored through our business activation grant for one of the festivals in recent times.

In relation to activating the whole city, I guess we deliver a grant program within the multicultural affairs space where we are funding community organisations and the community to celebrate events and significant days from their culture. And a lot of them are delivered, often, in different areas—say Gungahlin, Belconnen, Weston Creek—all over the city. So that is one way of keeping the whole city activated to deliver festivity and a sense of belonging and inclusion.

MR BRADDOCK: Whilst acknowledging that the Multicultural Festival is very loved, do we have the balance right, in terms of a focus on the festival versus

potentially investing public service time and resources into other areas, like antiracism campaigns, to address some of the matters that Mr Emerson was referring to?

Mr Pettersson: That is an interesting question. I acknowledge that potentially there could be different views on this one. I think that the balance is probably appropriate. I have an open mind to what our response, as a government, to emerging racism in our community looks like. This is a growing problem. The government has already flagged a suite of reforms that we want to pursue. Whether additional resourcing within the directorate is part of that is a future consideration.

I am hesitant to take a backwards step on the Multicultural Festival, for many reasons. One that is central in most of the representations I receive about the Multicultural Festival is that the festival is the backbone of fundraising for many of the multicultural groups in our city. That one big weekend for them, which is an intense workload and effort, funds and supports all their events and activities across the year. Ensuring that it continues to be that important, prominent source of fundraising and support for them is very important. Making sure that that is continued is vital.

MR BRADDOCK: Under the Welcoming Cities framework, under “advanced model”, there is a line item for antiracism programs. Has the government turned its mind to how it will fulfil that obligation?

Mr Pettersson: The legislative reform for positive duty is a vital step in that. The work to ensure that training is made available to the public service follows. As the positive duty expands out to the wider community, that further enshrines antiracism in the systemic thinking of our city. Proactive antiracism campaigns are not something that the government has largely funded. It is part of a wider consideration of an antiracism framework that is being considered at the federal level.

MR BRADDOCK: With the requirement now for agencies to report under their annual reports against the Multiculturalism Act, have you been satisfied with what you have seen coming out of agencies, in terms of the quality of their reporting and how they are taking on that positive duty?

Mr Pettersson: I will decline to offer a view on that specific question. I will offer a slightly different observation. I feel that our implementation of the Multiculturalism Act has not been sufficient so far, and we are intending to do better.

THE CHAIR: That is good to hear. Well done.

MR BRADDOCK: How do you plan to do better?

Mr Pettersson: Work is already underway to correct oversights in these steps.

MR BRADDOCK: I have a question about the ministerial advisory council, which Mr Emerson referred to. How do we ensure that there is transparency about the advice provided and the response from government to ensure that the community has confidence that frank and fearless advice is being provided and listened to?

Mr Pettersson: It is always listened to. You do not go through these processes and set

up any entity, and then not listen to the advice. There is a difference, though, between listening to something and actioning it. Sometimes there is a difference in views held by the government and an advisory council. I think that is a wonderful natural tension to exist. If a government was not receiving advice involving different ideas, things would get boring, pretty quickly.

As to what the appropriate accountability mechanism is for the advice provided from a council, that is a tough one. These advisory councils are appointed by the minister through cabinet processes. What is the appropriate stick for a council that is government appointed is an interesting question to ask, particularly in the context of a council that plays a certain role in the wider context of the many strong and varied views across the multicultural community, and in making sure that everyone feels that their voice and views can be heard and represented. It is a good question. I do not have the perfect answer for you; I am sorry.

MR WERNER-GIBBINGS: My question is around the antiracism and antidiscrimination frameworks. There was an election commitment in 2024 to continue to strengthen the antiracism and antidiscrimination frameworks. You have alluded to that a little bit; can you provide a bit more information about the work that is being done to deliver the commitments?

Mr Pettersson: I can at a high level; then we might have some more detail at the official level. The government recognised that there were emerging challenges of hate in our community, racism being part of that, which is why we had an election commitment to strengthen our response and our laws. Unfortunately, we saw over the summer the terror attack at Bondi, which showcased the vile antisemitism that exists within the community. That served as an opportunity for the government to bring forward that legislative work that we wanted to undertake; also, to strengthen it. That work is being undertaken now. The consultation paper has been raised.

Ms Akhter: I can talk a little bit more about that, Minister. As the minister mentioned, in the ACT, significant amendments to the Discrimination Act have been introduced to promote equality and eliminate discrimination. A key feature of the amendments was the introduction of the positive duty, which requires individuals and organisations to take proactive steps to prevent discrimination. This positive duty is being introduced in two stages, requiring organisations and individuals in managerial roles to take reasonable and proportionate steps to eliminate discrimination, sexual harassment and vilification.

Stage 1 took effect in April 2025 and applied to all ACT government administrative units, territory authorities and instrumentalities. Stage 2 will commence in April 2027, and it extends to all other duty holders, including service providers, employers, education providers and health service providers. That is where our role will come in—working very closely with the ACT Human Rights Commission, because they are the ones who are leading this reform, and we will be supporting and facilitating implementation.

In order to ensure that Canberra's multicultural community are aware of the positive duty and their rights and obligations under the act reform, we have been working with the commissioner on the rollout of the positive duty. As part of that, last year, in

August, the commissioner attended one of our council consultation forums, where the community was informed of the positive duty by them directly, the staged approach, and their rights and responsibilities in 2026 and looking to the future, in 2027, leading up to the April 2027 deadline.

We will be facilitating, in partnership with the commissioner—we have already made this plan—two additional consultation sessions, where the commissioner will come along and raise awareness with the multicultural community about their obligations. We will be facilitating engagement between HRC and the new MACM that will be starting from next month. We will also be providing updates in the Multicultural ACT monthly newsletter that reaches more than 750 community organisations and residents of the broader multicultural community in the city. That is the plan, and we will continue to work with the ACT Human Rights Commission.

MR WERNER-GIBBINGS: Noting that you mentioned the rising markers of hate and really disturbing attitudes, what is a measure of success for an inclusive community? It is almost a state of mind. What are we able to point to, to characterise the ACT as a successful, multicultural, open and inclusive community?

Mr Pettersson: That is a good question. I am trying to think of the names of the studies that I have seen. The wellbeing indicators are probably the gold standard of ACT government accountability and tracking for how people's lives in our city are going.

Ms Akhter: I can provide some numbers, Minister.

Mr Pettersson: Sure.

Ms Akhter: We talked about the festival. In some ways, the festival is the cornerstone to keep our community together. In some ways, that is the best way we can measure success. The festival measures the community's sentiment through an attendee survey, which asks attendees to confirm their level of agreement with the following statements, which I will read out, with over 90 per cent of attendees in agreement with each statement. The satisfaction rate is really high.

THE CHAIR: We have run way over time.

Ms Akhter: There are just four statements.

THE CHAIR: Okay.

Ms Akhter: The attendee survey asks how the festival makes Canberra feel like it values diversity. More than 90 per cent of attendees agreed with that statement that it does. The festival helps to enhance community spirit, pride and enjoyment. The festival helps to raise the profile of multicultural communities. The festival enriches and strengthens Canberra as a diverse and multicultural city. In some ways, that is our biggest measure of success, in keeping Canberra as an inclusive city and community.

Mr Pettersson: In the wellbeing indicators, the identity and belonging section probably goes to it.

MS CARRICK: I hear from the multicultural Molonglo community that they want community facilities. We used to provide concessional land to multicultural groups. We do not do so anymore. Now, they have to go through a round and buy their land at market value, and state how they will have a financially viable, ongoing concern. Have you made representations to the government about space for multicultural communities in the Molonglo town centre? Do you have concerns about the current arrangements which mean that they have to buy land at market value?

Mr Pettersson: No. In the story of our city, there was a time when a policy of that nature made sense. I think that, as our city has grown, the need for the government to be more considered in how land is used is appropriate. This is not primarily the responsibility of the Office for Multicultural Affairs. This is a planning matter. At a higher level, of course, we want to see vibrant spaces for multicultural communities, as places that they can use temporarily for hire, potentially for a one-off event. We also understand the need for more permanent locations, particularly for places of worship.

The government, I understand, is in the middle of a current round of releasing some blocks. There is a large demand for these blocks. We are an increasingly vibrant and multicultural city, and I do not see that demand dissipating any time soon. This is something that the government has an eye to. I think our city is enriched when there are these opportunities and there are places for celebration and worship. But it is, fundamentally, a planning question, and one that we need to get right.

MS CARRICK: I will leave it there, because we have gone over time. I will put anything else on notice.

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

Hearing suspended from 10.41 to 10.50 am

Appearances:

Pettersson, Mr Michael, Minister for Skills, Training and Industrial Relations, Minister for Children, Youth and Families, Minister for Multicultural Affairs, Minister for Arts and Creative Industries and the Night-Time Economy, Minister for Business and Industry

Chief Minister, Treasury and Economic Development Directorate

Wright, Mr Robert, Deputy Director-General, Office of Industrial Relations and Workforce Strategy

Parton, Ms Rebecca, Acting Executive Group Manager, Work Safety Group

Starick, Ms Kate, Deputy Director-General, Economic Development

Lukins, Ms Ellen, Executive Branch Manager, Policy, Work Safety Group

Canberra Institute of Technology

Jackson, Ms Ros, Board Member

THE CHAIR: We welcome Mr Michael Pettersson, the Minister for Skills, Training and Industrial Relations, and officials. Please note that, as witnesses, you are protected by parliamentary privilege and bound by its obligations. You must tell the truth, as 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, and I will hand my first slot to Mr Cocks.

MR COCKS: Thank you, Chair. Minister, the Secure Local Jobs Code played a pretty prominent role in the Operation Kingfisher report. Have you read that report?

Mr Pettersson: Thank you for the question, Mr Cocks. I have been on medical leave for the past week and a half. It made for—I do not want to say entertaining—interesting reading in my hospital bed last week.

MR COCKS: It is a yes?

Mr Pettersson: Yes.

MR COCKS: Have you received any briefing regarding the issues raised in the Operation Kingfisher report?

Mr Pettersson: I have not. I returned from leave only yesterday.

MR COCKS: Minister, the Integrity Commissioner considered the formal mechanism of the Secure Local Jobs Code a bit of a step up from the UnionsACT MOU, which was in place before the code. He also identified some issues that could present a serious corruption risk. One in particular was that the code connected disputed industrial relations questions to eligibility for government contracts. That creates a bit of a mechanism that could be used to pressure employees, favour union-preferred contractors and disguise outside influence as concern for worker safety or government policy. Is that vulnerability to enabling unreasonable pressure tactics a

design feature of the code?

Mr Pettersson: I am not sure that I could accept your characterisation of it, Mr Cocks.

MR COCKS: Minister, this issue was outlined in that report from the Integrity Commissioner. I think it is on page 34, if my memory serves rightly. What possible safeguard do you have that prevents an interested union from turning an unresolved industrial dispute or an untested safety allegation into a threat to a contractor's SLJC certificate or eligibility for government work?

Mr Pettersson: I will hand over to officials to explain how it actually works.

Mr Wright: As well as being the Deputy Director-General in the Office of Industrial Relations and Workforce Strategy, I am the Secure Local Jobs Code Registrar. I have read and I understand the privilege statement. The registrar and the Secure Local Jobs team are not involved in procurement decision-making or the awarding of contracts for territory-funded work. Certification occurs prior to an entity submitting a tender response to the territory, with compliance inquiries and investigations occurring on entities that have entered into a contract.

MR COCKS: That Integrity Commission report pointed out that, under this code, safety allegations can become industrial bargaining counters. That is the risk and the vulnerability that I was pointing to, not those specific procurement decisions. What is built into the process—what tangible safeguard is there—that stops that risk occurring?

Mr Wright: Going back to my original statement, Mr Cocks, neither the Secure Local Jobs team nor the registrar is involved in procurement decision-making. In reading the report from the Integrity Commission, it was, I think, quite clear that it was not the Secure Local Jobs Code itself that was the issue in relation to those matters. I do not think I agree with the tenor of the question.

MR COCKS: I note that you have not actually really answered the question, but maybe we can go, Minister, to the question around one of the core issues here. When the Secure Local Jobs legislation was debated in 2018, the government said that the then memorandum of understanding with UnionsACT would be phased out as the code commenced. Our current scheme, nevertheless, seems to coexist with the MOU in the ACT.

In April this year, when you were asked about what role unions have in contractor eligibility monitoring and assessment, your written answer did not identify union contacts, referrals, nomination rights or other access arrangements. But Kingfisher now demonstrates the integrity risk when an industrial participant's view of the code and compliance cross into an undisclosed procurement instruction. Does the MOU continue to exist, to your understanding? If so, how are you managing the coexistence of these two schemes?

Mr Pettersson: Just to be clear, is the question: does the MOU still exist?

MR COCKS: Are you aware that the MOU still exists?

Mr Pettersson: I will hand over to officials.

MR COCKS: Minister, I am asking you: are you aware of its continued existence?

Mr Pettersson: Mr Cocks, I appreciate your interest in me potentially answering these questions. I am not the minister responsible for the Secure Local Jobs Code, so I am not in a position to answer that question for you, which is why I will defer to officials.

MR COCKS: You are not the minister responsible for the Secure Local Jobs Code?

Mr Pettersson: Indeed. I am not sure whether you are aware that there was a change in administrative arrangements.

MR COCKS: Before that change, were you the minister responsible for the Secure Local Jobs Code?

Mr Pettersson: Correct.

MR COCKS: Is the Secure Local Jobs Code part of today's administrative arrangements? If not, why don't we have a minister here who can answer questions about the Secure Local Jobs Code?

Mr Pettersson: Your question was just about the MOU.

MRS MORRIS: You were the minister responsible.

Mr Wright: Mr Cocks, the MOU is an arrangement that has been in place prior to the commencement of the code. The MOU is not managed by the Secure Local Jobs Code team or me as the registrar.

MR PARTON: But does it still exist?

Mr Wright: My understanding, given that I am not responsible for it, is that it does.

MR COCKS: I have to ask, then: when did you, Mr Wright, become aware that that was still in existence? Was the minister responsible at the time—given the minister in front of us cannot answer the question—

Mr Wright: Mr Cocks, the—

MR COCKS: Sorry, let me finish the question. Was the minister who was responsible over the past 12 months aware of the existence of the code?

Mr Wright: The MOU does not fall under the responsibility of the Secure Local Jobs Code. It is managed by Procurement ACT, and it is part of procurement processes.

MR COCKS: Mr Wright—

Mr Pettersson: I will add to that answer for you. In my time in the portfolio, it was never raised that it was a pertinent issue.

MR PARTON: With the MOU or the Secure Local Jobs Code?

Mr Pettersson: You asked me some questions in question time about the Secure Local Jobs Code, Mr Parton, so that definitely was. That one was in reference to the MOU.

MRS MORRIS: When you were the minister, you had no awareness?

Mr Pettersson: No, I said it was not raised with me.

MRS MORRIS: What was your awareness?

THE CHAIR: Mrs Morris.

MRS MORRIS: Sorry, Chair.

THE CHAIR: Mr Cocks, last question.

MR COCKS: Can someone answer this for me: when the Secure Local Jobs legislation was debated in 2018, the government said, very specifically, in relation to that, that it was intended that the UnionsACT MOU would be phased out as the code commenced, but the scheme now seems to retain the MOU in tandem. Ministers and the Chief Minister were directly asked how those things would coexist, and the response was that they absolutely would not. How were you unaware of the continued existence of that MOU? Was there ever any briefing, at any time since 2018, or decision to not cancel that memorandum of understanding, given the introduction of the Secure Local Jobs Code, which was supposed to supersede it?

Mr Pettersson: I did not receive any briefings on an MOU.

THE CHAIR: Mr Cocks, we will have to move on. Last question.

MR COCKS: Can I ask about one thing that is clearly within the remit of the people at this table? Which organisations nominated the three current employee representatives on the SLJC Advisory Council? What affiliations have they declared, and what selection criteria did the minister, who was the minister at the time, apply to their selection?

Mr Pettersson: I will hand over to officials to talk through that process.

Mr Wright: I would need to take that one on notice. I have been the registrar since earlier this year, since approximately March this year. I am unaware of those historical matters, so I will take it on notice, Mr Cocks.

Mr Pettersson: I will provide a high-level context for you. Representative board nominations are sought from representative groups, and it is appropriate that interests are represented on that.

MR COCKS: Is it appropriate to still have UnionsACT and the CFMEU represented in that group, given the findings of Operation Kingfisher and the matters raised?

THE CHAIR: Mr Cocks, that was the last question. Answer it, Minister, but that is the last question.

Mr Pettersson: Can you repeat the question? I could not hear it; I am sorry.

MR COCKS: Is it appropriate to have representatives of UnionsACT and the CFMEU still on that body, in the context of the issues raised in the Operation Kingfisher report?

Mr Pettersson: I think the interests of workers deserve appropriate representation, and I think it is appropriate that workers put forward who they think their representative should be.

MR PARTON: Minister, we have just had quite the discussion on the things discussed in Operation Kingfisher. So much of that report—in fact, just about all of it—revolves around the situation where favours were done for the CFMEU. That is really what the bulk of the report is about. Given—

Mr Pettersson: I think that is your characterisation of it, Mr Parton.

MRS MORRIS: It is the Integrity Commission's characterisation.

MR PARTON: You can challenge that at a future point if you want, but, given that undeniable fact, Minister, is it appropriate for you, as the minister for industrial relations—I am assuming that is still the case; I do not think those arrangements have changed this morning—to be a card-carrying member of the CFMEU?

Mr Pettersson: Thank you for the question, Mr Parton. I do not really place a lot of weight on the views of the Canberra Liberals when it comes to membership of trade unions. I am a very proud trade union member.

MR PARTON: Right. I was asking you whether it is appropriate that we have a massive report that shows that all sorts of conversations were had between people in government—people in the Deputy Chief Minister's office and directors-general of departments—around favours that were done for the CFMEU, which have cost taxpayers nearly a million extra dollars, according to the Integrity Commissioner, and whether it is appropriate that you remain a member of the CFMEU.

Mr Pettersson: Thank you, Mr Parton. I cannot accept some of the commentary and characterisation in the question, and—

MR PARTON: So you are not going to answer it?

Mr Pettersson: I was trying to answer it, Mr Parton, and you jumped in. I cannot accept the characterisation loaded in your question. I did answer that very specific question previously. I do not place a lot of weight on the views of the Canberra

Liberals when it comes to trade union membership.

MR PARTON: That is not an answer, mate; that is just a pivot. That is just a dodge and weave, not an answer.

Mr Pettersson: No. Mr Parton, I would appreciate it if you did not jump in. I am a very proud member of the trade union movement, and it is a very good thing. I wish more members of the Assembly were.

MR PARTON: In closing, has the government referred any additional matter discovered since the Campbell Primary School issue to the Integrity Commission?

Mr Pettersson: I will take that on notice.

MR PARTON: Thank you.

MR EMERSON: I want to ask about the CIT, starting with: how much government funding is the CIT receiving in the 2026-27 financial year?

Mr Pettersson: I will hand over to officials to get those figures for you.

Ms Starick: I have read and acknowledge the privilege statement. I will take the substantive question on notice. The funding for the CIT comes from a range of sources from the ACT government, including what we refer to as profile funding or baseline funding, as well as funding for specific initiatives under the National Skills Agreement for the delivery of the Electric Vehicle Centre of Excellence, the Cyber Security Centre of Excellence and the National TAFE Network. There is also, depending on enrolments, funding through subsidised training for User Choice. I will probably be able to provide part of the answer, but enrolments are not finalised for this year yet, so it will not be the total amount because enrolments will be continuing throughout the year.

MR EMERSON: Total anticipated funding and a breakdown based on funding sources would be fine, and how much of that is direct from the ACT government as part of that breakdown works for me.

Ms Starick: Yes.

MR EMERSON: Based on the CIT's annual reports in the decade since the independent board was established in 2015, costs have risen by 38 per cent, or expenditure has, while program enrolments dropped by 40 per cent. The CIT's teaching workforce has reduced by 68 positions, while 58 positions have been added at the senior and executive management level. The CIT yesterday announced it is offering voluntary redundancies to staff. Does this extend to teaching staff?

Mr Pettersson: I will hand over to CIT board representatives who are with us today.

Ms Jackson: I have read and understood the privilege statement. A meeting was held with all of the staff this morning to inform them of the voluntary redundancies that are available for them. We will be waiting for staff members to put their hands up and

provide an expression of interest for those. They have been extended to all staff of the CIT.

MR EMERSON: Given teaching positions declined by 12.9 per cent in the last decade while the number of senior and executive officers at the CIT have more than doubled, do you think it is appropriate that this round of voluntary redundancies may lead to a further reduction in the number of teaching staff at the CIT?

Ms Jackson: As you know, Mr Emerson, student numbers have declined across the last several years at the CIT. We are trying to right-size the organisation. We are trying to deliver courses smarter, with regard to them being online, for example, rather than face-to-face. All of those things will be taken into consideration when we look at which staff have provided expressions of interest for those voluntary redundancies.

MR EMERSON: What about the administrative staff? I have heard directly from staff who are already feeling overworked that they are often working above their band and pay grade to cover gaps that have been left by the departure of other staff members, and they are concerned that this is going to increase the strain on them. Have you given any consideration as to whether administrative staff should be treated differently through this process?

Ms Jackson: We are going through a very large project of reprofiling the organisation and re-establishing the best organisational structure that will work for CIT. At the moment there are no decisions about which categories of staff we will be offering voluntary redundancies to. It will simply be a call-out to see which staff are interested in a voluntary redundancy, and that will help provide information for the planning of the re-organisation of CIT.

MR EMERSON: That seems a bit backwards to me. Wouldn't you reprofile the organisation and then offer voluntary redundancies in a targeted way to ensure that those redundancies do not lead to a reduction in key roles in the teaching and administrative areas?

Ms Jackson: We will definitely be doing that in the process. This is just a starting point to see which staff are interested in taking a voluntary redundancy.

MR EMERSON: Do you have any concerns, given the cultural issues at the CIT and the ongoing reputational issues, that some fantastic staff who are in those positions I have described might say, "This is a great opportunity for me to get out," when the government should actually be doing everything possible to retain those staff during a time of crisis?

Ms Jackson: That will be taken into consideration: the positions that they hold and the capabilities that they bring to the CIT when the decisions are finally made.

MR EMERSON: In that reprofiling of the organisation to right-size it, as you described it, will there be non-voluntary redundancies included in that process?

Ms Jackson: There has been no consideration of that at this stage.

MR EMERSON: Minister, these voluntary redundancies follow cuts to a popular fitness program for seniors at CIT Bruce and the doubling of the cost of CIT's remedial massage program, which is on the ACT Skills Needs List, the discontinuation of a language education offering for ACT college students that was only costing \$124,000 a year, and 39 staff being sent to a conference in Brisbane in May, at a likely cost of around \$100,000 to taxpayers. Do these expenditure decisions align with Labor's values, particularly relating to the public provision of accessible high-quality education and training?

Mr Pettersson: Could you repeat the question for me? Do those expenditures align with Labor's values?

MR EMERSON: Yes—the voluntary redundancies and cuts to programs. Do these decisions that you are seeing and that are raising significant concerns across our community and among staff and students at CIT align with Labor's values, particularly relating to the public provision of accessible high-quality education and training?

Mr Pettersson: Interesting question.

MR EMERSON: Thank you.

Mr Pettersson: The Labor Party is very proudly a party that supports vocational education. We are a party that has championed free TAFE in this country, to much political opposition, led by some in this room. We will always support vocational—

THE CHAIR: Minister, can you please stick to answering the questions rather than making inferences, as this is a committee hearing.

MR EMERSON: You are commenting on the values, which is great, but I would love to know if these decisions align with those values, in your assessment as the minister responsible for this area of government expenditure.

Mr Pettersson: I feel that I am allowed a sentence before I am interrupted. To Mr Emerson's question about the values of the Labor Party, yes, the Labor Party proudly supports vocational education. I am not going to offer a running commentary on any individual decision of CIT management. I will observe that this Assembly, for many years—even preceding your time in this place, Mr Emerson—has made a range of recommendations about the size and composition of CIT's workforce. I see in the actions of the CIT Board a responsiveness to those previous recommendations of this Assembly.

MR BRADDOCK: I am interested that there was no mention of these voluntary redundancies when the board appeared before this committee on 23 August. Was it known at that time that the voluntary redundancy program would be offered?

Mr Pettersson: Interesting question. The board communicated to me some time ago their intention to pursue this line of work. I cannot speak to any internal consideration of timing. However, if you do have questions for the CIT Board directly, I have

ensured that there is a representative of the board here, and we would be very happy to take your questions.

Ms Jackson: The plan was in place, but staff had not been advised of that action.

MR BRADDOCK: There was a \$8.08 million Treasurer's Advance in June this year. Was that designed to avert or lessen the blow around the workforce and right-sizing, as you call it?

Ms Jackson: It was required for meeting the cash requirements of the CIT.

MR BRADDOCK: Thank you.

THE CHAIR: Minister, when were you advised by the CIT Board of those voluntary redundancies?

Mr Pettersson: I will take on notice to look through my notes. I have official notes. It was in advance of it becoming public knowledge.

THE CHAIR: In the last week or month?

Mr Pettersson: No. I have been on medical leave for the past week. I am hesitant to ballpark it. Quite simply, it was well in advance of current events, but I am not sure of the precise date. Time is a bit of a blur at the moment. I will take it on notice. I will get back to you on when that was communicated to me.

THE CHAIR: Was advice to the minister well in advance of your attendance a few weeks ago?

Ms Jackson: I am unaware of the date of the correspondence with the minister.

Mr Pettersson: We will take it on notice. We will find out for you. Regarding lines of inquiry, I do not think that is the most interesting part of this. That was communicated to me appropriately. We will find out when that happened.

THE CHAIR: Thank you.

MR COCKS: Is there a risk that these voluntary redundancies are going to risk further hollowing out of the CIT and undermining its future viability?

Ms Jackson: We have gone to the staff to ask for expressions of interest regarding voluntary redundancy. No decision has been made as to how many voluntary redundancies will actually be issued to staff. All of the considerations that have already been raised with regard to the positions they hold—their capability and capacity within areas of the CIT—will be taken into consideration when decisions are being made as to where those redundancies will be offered.

MR COCKS: How are these VRs going to be funded? Is there provision in the budget as it stands or are you relying on the Treasurer's ability to add extra money to the budget for staff entitlements?

Ms Jackson: It will be a combination of both. Not all voluntary redundancies will be offered at exactly the same time. They will be staggered over a period of time, as well as approaching Treasury for assistance.

MR COCKS: What period of time?

Ms Jackson: That I am unaware of. It may be six months, but it could stretch out to 12 months.

MISS NUTTALL: I am interested in asking about the Workers' Compensation scheme. Does the ACT government track insurance costs for the arts, the community and the not-for-profit sector? If so, are you aware of how high their insurance premiums relating to workers comp currently are?

Mr Pettersson: We receive advice on Workers' Compensation premiums. As to the categorisation of each of those, I am sure we can pull them up and see if they line up with the categories that you have suggested.

MISS NUTTALL: I think that ACT Workers' Compensation suggested reasonable premium rates. Is that the one you are referring to?

Mr Pettersson: Yes.

MISS NUTTALL: I would love to know what community sector and arts workers are categorised as under this, but, if that has to be taken on notice, that is fine. In the response to—

Mr Wright: Miss Nuttall, we can attempt to answer that.

Ms Lukins: I have read and understand the privilege statement. In terms of what you have referred to—the suggested reasonable premium rates—they outline premium rates that are averages across various industry classifications. They follow closely the ANZSIC framework classification. In the ACT scheme, some of the subclasses are wrapped into higher classes, simply to get size and scale within those industry classes. A number of those categories or classes that are reflected in the suggested reasonable premium rates cover some of the arts sectors within various classifications. There are community organisation classifications as well as arts sectors. You will see a number of them within that. There is arts education, but there are also performing arts classifications further down. What I would say is that those are averages. They consider relativities to the all-industries average premium rate. You will see that is where some of the relativities show how much they vary from that in the all-industries average.

MISS NUTTALL: Awesome. Thank you so much. In Mr Pettersson and the government's response to question on notice No 914, lodged by Ms Clay, the government assessed that no organisations or industries other than the horse training industry were identified with similar risks of potential industry-wide market failure within the ACT's private sector workers compensation scheme. On the other hand, we have heard from the community sector that they deal with a high degree of risk in the

course of working with vulnerable clients with complex needs, across family, domestic and sexual violence, mental health, alcohol and other drugs, and homelessness services, and their insurance premiums tend to reflect this. Are you aware of the specific insurance pressures on these community sector organisations?

Mr Pettersson: Yes. We live in a time of rising costs, and that is keenly felt in the prices that people are paying for insurance products across the board, not just in workers compensation. I understand that, for many organisations, the act of paying for insurance is probably one of the bills that does not spark the most joy for them. I think there is an important distinction between a frustration in rising premiums and a market failure situation.

MISS NUTTALL: It is interesting that you mention that. Should potential market failure be the only metric by which we extend the ACT government's default insurance scheme coverage to organisations outside of government?

Mr Pettersson: No. We are venturing into a new policy space here. There is a range of reasons for which government could consider expanding access to the default fund. I note that in other jurisdictions there have been uses to support apprenticeships. There is a wide array of reasons that could be considered and pursued.

MISS NUTTALL: The Domestic Violence Crisis Service said in their submission that they had to reduce frontline positions to account for increased insurance costs without matching increases to funding. In your role as minister, have you done anything about this? Have you explicitly checked with other community sector organisations on the pressures that they are feeling from insurance premiums right now?

Mr Pettersson: I do not believe I have received any representations from that organisation. Someone will check whether that is not correct and we will get back to you. I have not reached out to that particular organisation. The price that someone pays for insurance is meant to be commensurate to the risk that the organisation is experiencing. There is a price signal in that. Whether the most appropriate mechanism for whichever particular issue is trying to either support or provide subsidy through the insurance costs or through, potentially, a more straightforward mechanism, such as the funding that an organisation receives, is, in general, a pertinent question for all government funding.

MISS NUTTALL: Should we be leaving the wellbeing of our most vulnerable constituents and the people that support them to that risk of market failure if they are not able to get increased funding to cover their insurance premiums elsewhere?

Mr Pettersson: I do not believe that is happening. When any individual organisation experiences an increase in their premiums, there could be a range of things occurring. I am hesitant to speak to any one particular organisation, because I do not understand what their claims history is or what is going on within that organisation. That could be a large contributor to any increase in their premiums. I am not sure a systemic response is necessarily the most appropriate one for what could be circumstances relating to an individual organisation.

MISS NUTTALL: Thank you.

MR BRADDOCK: Minister, have you estimated how much funding the ACT government provides to community organisations goes to insurance premiums in the private market as opposed to how much it would cost the government to provide insurance to those organisations?

Mr Pettersson: Could you repeat the question for me, Ms Braddock.

MR BRADDOCK: Has the government estimated how much funding the ACT government provides to community organisations goes to insurance premiums as opposed to how much it would cost the government to bring the community sector into the government's insurance scheme?

Mr Pettersson: Has the government estimated that figure? I do not know. I am happy to take that on notice. Would you prefer me to take on notice what those figures are, or do we have an answer here somewhere?

MR BRADDOCK: If you have the figures, I would love those too.

Mr Wright: I think the answer is no, we have not, Mr Braddock.

MR BRADDOCK: Fair enough. Minister, would you consider adding community sector organisations to the ACT government's default insurance scheme?

Mr Pettersson: The government always has an open mind to sensible policy suggestions. The circumstances that have been detailed previously in the Assembly point to the actions the government have undertaken. I believe that the legislative reform which enabled this as a response of government is an important tool that government now possesses. Hopefully, it is not a tool that is required often, but it now exists in legislation and could be utilised if required.

MR BRADDOCK: Given you said that tool, when provided to the horseracing industry, was revenue neutral and came at no cost to taxpayers, why don't you enable the community sector to access that tool?

Mr Pettersson: It is a question of scale, Mr Braddock. One industry comprises a workforce in the dozens and one comprises a far larger workforce. They are consequentially different decisions, regarding very different sizes. I understand the line of questioning and the advocacy behind it. It is always appropriate that members do so.

MR WERNER-GIBBINGS: I go to industrial relations. The questions are around the in-house work rehabilitation services. Firstly, why has the ACT government expanded those in-house rehab services? And, secondly, what is the expected outcome?

Mr Pettersson: The short answer and the very good answer is that it is working really well. We are really glad to lean in. I will hand over to officials to give some of the data.

Ms Parton: I have read and understood the privilege statement. One of the things that underpins our workers compensation self-insurance arrangements is how we can provide effective work rehabilitation to injured workers. Under the arrangements in the SRC Act, we have to engage with and utilise rehab providers that support people to return to work. One of the things we look at in alignment with the government's insourcing framework as well is where we could add value by having public servants deliver the appropriate services. One of those areas has been the work rehab services that we provide to our ACT public sector employees. That program of work has brought together a small team that can deliver very timely services to our injured workers. It is reducing the amount we pay to external providers to deliver those services and is improving our outcomes to injured workers.

MR WERNER-GIBBINGS: Do you have comparisons in finance or some sort of figures about in-house rehab services compared to outsourced providers?

Ms Parton: Yes. We look at our service provision, noting that we have a very small team within our work rehab services and we still engage external service providers. The services that are provided are not necessarily like-for-like. We look at the most appropriate services for the individual and what they need to return to work. We compare the return-to-work rates against the standard rates for Comcare—what we expect the work rehab providers to do—and have looked at whether we are getting equal or better return-to-work outcomes. It means better outcomes for our injured workers using our work rehab services team, acknowledging that we are not doing the full scope. We look at people's needs and whether they have an internal rehab provider or someone external.

MR WERNER-GIBBINGS: What are the services that are being provided?

Ms Parton: The work rehab services look at the supports that are required for people to return to work. That is about engaging with the workplace, with the manager.

MR WERNER-GIBBINGS: So it is face-to-face with the individual but also with people who are providing—

Ms Parton: Yes—with the workplace and with the providers. That might be the general practitioner and it might be the clinicians that are providing support. They work with the employee and the workplace to look at what the role is and what the injured worker's capacity is to work, and work with the treatment providers about what will best support their recovery and enable them to return to work effectively. And they support the return-to-work process through the appropriate adjustments that they may need in the workplace.

MR WERNER-GIBBINGS: How long has the focus on in-house services been going?

Ms Parton: It was in the 2022-23 budget, and that service commenced at the end of 2023, so we have been providing that for two-and-a-bit years.

MR WERNER-GIBBINGS: With it being in-house, the people in the hot seat would have a number of competing stakeholder interests within their own work environment.

Are you comfortable that there is an objective look at what is the best balance for the individual and the employer?

Ms Parton: Yes. We certainly look at that. In the services that we provide in all our injury management for public sector employees, we look at the person-centric approach. We really do look at what the person needs and how we can best support them to return to work in a safe and timely way. One of the things that we look for, as to whether we engage internal work rehab services or go external, is whether there are any particular conflicts or challenges that might not be best for the workplace and might not be best for the worker in supporting them to return to work.

One of the key benefits we have is that work rehab services in-house are timely and effective. Often we can have them involved immediately and have them supporting someone's return to work within a very short period of time. As you can imagine, when we go to an external rehab provider, there are some additional administrative processes that we need to do to engage a provider to support an injured worker. The potential for conflict or the potential for an adverse outcome for the individual or the employer through the engagement of internal services is considered and part of the referral process to an internal or external provider.

MR EMERSON: On work health and safety, there is a matter listed for a hearing in the ACT Magistrates Court on 23 November involving the CIT, and I understand this relates to an enforceable undertaking issued by WorkSafe ACT. Is that accurate?

Ms Jackson: Yes; it is, Mr Emerson.

MR EMERSON: What is the nature of the undertaking and of the hearing?

Ms Jackson: I will have to take that on notice.

MR EMERSON: Does it relate to CIT's EV TAFE Centre of Excellence?

Ms Jackson: The WorkSafe investigation regarding the EV TAFE Centre of Excellence was about work that was conducted in the basement at Woden. That investigation has been finalised, with a report received back and no findings. I think your question is about an investigation regarding a student whose finger was severed, and that work is continuing. I will have to provide any more information on notice.

MR EMERSON: Thank you.

MR COCKS: Can anyone in the room tell me why Minister Stephen-Smith, the minister with responsibility for the Secure Local Jobs Code, is not at a hearing related to her administrative responsibilities?

Mr Pettersson: I cannot immediately answer to that. It suggests potentially scheduling or a communication problem, but I am sure the committee can follow that up.

MR COCKS: My concern is that, with every other session, there seem to have been adjustments made, but with this one, which covers some pretty important matters,

there were not.

Mr Pettersson: I think they are all pretty important.

MR COCKS: I will put this to you as the minister responsible for workplace safety and the minister who, for the past couple of years, has been responsible for the Secure Local Jobs Code. The Integrity Commissioner also pointed out that, under your government's code, safety allegations can become industrial bargaining counters, as I said before, and he specifically pointed out that, in relation to the matters he examines, the CFMEU raised concerns about maintaining a safety record. The commissioner said it was unknown whether the allegations were genuine or confected—they were his words—and that they could not be properly assumed to be warranted. WorkSafe ACT's records did not support treating Manteena less favourably than Lendlease.

Minister, in this case, I understand the CFMEU bypassed the Secure Local Jobs Code with its stated concerns, but it does raise an important question: can a union work health safety allegation impact a decision regarding a Secure Local Job certificate or eligibility for government work if WorkSafe ACT has made no adverse finding or if there has been no WorkSafe ACT investigation?

Mr Pettersson: I will hand to officials to talk through the process.

Mr Wright: Thank you, Mr Cocks. The Secure Local Jobs Code has a complaints provision that allows for anyone to make a complaint about a code-certified entity. In terms of whether a union might make a complaint about a code-certified entity, yes, that is possible but it is open to anyone to make a complaint about a code-certified entity.

MR COCKS: That does not answer the question I asked.

Mr Wright: Would you mind repeating the question, Mr Cocks?

MR COCKS: Certainly. Can a union work health safety allegation impact a decision regarding an SLJC certificate or eligibility for government work if WorkSafe ACT has made with no adverse finding or if there has been no WorkSafe ACT investigation?

Mr Wright: Breaches of legislation are considered but there needs to be a finding.

MR COCKS: Can those allegations have an adverse impact without that WorkSafe role?

Mr Wright: Under the Secure Local Jobs Code, no.

MR COCKS: So it cannot without a WorkSafe claim. What formal engagement is there between WorkSafe ACT and the Secure Local Jobs administrative arrangements?

Mr Wright: Where there is a finding in the assessment of a code entity, we would look at its certification process and we would also look at if we were alerted to a

finding by WorkSafe, or it might be a outcome of a Fair Work Ombudsman matter. We would look at it in those kinds of situations.

MR COCKS: Okay. What under the code is the specific role for WorkSafe ACT?

Mr Wright: Can you take that, Ms Lukins?

Ms Lukins: In terms of the consideration or the process and how that might be considered, which I understand—

MR COCKS: In terms of the code itself—the formal role.

Ms Lukins: So the process is undertaken by independent auditors that are approved. They undertake the compliance assessment of entities looking to apply for code certification. When you are talking about that engagement with WorkSafe, as part of the certification of whether or not they have complied with, for instance, work health and safety laws, that would be undertaken as part of the approved auditors.

MR COCKS: Are those auditors part of WorkSafe or you are relying on auditors to engage with WorkSafe?

Mr Wright: To answer your question, there is no formal role for WorkSafe under Secure Local Jobs. They are independent functions. We would look at findings that have been made in relation to, for example, the certification process and also complaints. But they do not have a role under the code formally.

MR COCKS: WorkSafe ACT is the independent workplace safety regulator. It is the organisation with trained inspectors with investigative powers and with enforcement powers. Why is there no role formal role or relationship with WorkSafe ACT under the code? If work safety is actually an objective of the code, why aren't they built into it?

Mr Wright: We look at the findings made, which are publicly available in relation to those matters. Yes, we do take WHS matters very seriously and they are addressed under the code. But these things are publicly available.

MR COCKS: Can someone please take on notice how many times WorkSafe advice has been formally sought in relation to issues raised under the Secure Local Jobs Code, perhaps broken down by time period?

Mr Wright: We will take that on notice, Mr Cocks.

Ms Lukins: Can I perhaps clarify that there is probably a difference between the certification process and ongoing compliance once an entity has been certified and, probably to the points that were being made earlier, as part of the certification process that is undertaken by an independent auditor. So we would not directly hold the information on whether or not WorkSafe has been approached, noting that the information relying on adverse findings would look to publicly source open-sourced information around that.

The other component to that was the ongoing compliance while an entity is certified. That might be when complaints come through or there are investigations around potential non-compliance with the code obligations. There are probably two separate processes. It is probably that latter process, where we might be able to provide that information on notice.

MR COCKS: That is more what I am looking for; thank you.

MR PARTON: Minister, on 11 May this year, you advised an Assembly inquiry regarding the Secure Local Jobs Code that the code's only formal review was completed in January 2021, but no further review was required or planned. A month later, that committee reported conflicting evidence about whether the code was meeting its purpose, expressed concern that it may not be growing the local economy or creating ACT jobs and recommended an independent review. Will the government accept recommendation 12 of that report and fund a genuinely independent review of whether the code delivers secure jobs and value for money? If so, who will conduct it, what would its terms of reference be and when would the report be tabled? I know we are maybe getting ahead of ourselves a little with that—but help me, if you can.

Mr Pettersson: Thank you for the question, Mr Parton. I, of course, cannot pre-empt any government announcements. I understand the government response to that committee recommendation is in train. I am sure you and other members of the committee will be keenly awaiting that.

MR PARTON: So why did the government have no further review planned after five years of operation? What evidence supported that position?

Mr Pettersson: Could you repeat the question for me, Mr Parton?

MR PARTON: Why did the government have no further review planned? You made it clear on 11 May 2026 that there would be no further review? Why was that the position of the government? What evidence supported that position?

Mr Pettersson: You can probably take this as a general answer. The government is always proactively considering, assessing and analysing all of our policy settings at all times. Just because there is not a planned announced review does not mean it is impossible for there to be future consideration of policy settings.

MR PARTON: What evidence shows the number of ACT resident employees, apprentices, women, First Nations workers and local subcontractors created or retained because of the code?

Mr Pettersson: Thank you for the question, Mr Parton. I think it is a strange question, which I think—

MR PARTON: Do you? Minister, it is the Secure Local Jobs Code. In theory, it is creating local jobs.

Mr Pettersson: Thanks for the question. It is a strange one. I think it signifies an understanding of what the policy actually seeks to achieve. The Secure Local Jobs

Code is a policy that seeks to ensure people undertaking ACT government work at a minimum are complying with the law. That is its primary purpose.

MR PARTON: All right. Thank you.

MRS MORRIS: Minister, have contract tender bids been provided to unions?

Mr Pettersson: Say it again, sorry?

MRS MORRIS: Has contract tender bids information been provided to unions?

Mr Pettersson: I am really not in a position to answer that as Minister for Industrial Relations.

MRS MORRIS: Why not?

Mr Pettersson: It is probably a question for the minister responsible for procurement, and those officials are not here.

MRS MORRIS: To your knowledge, has contract tender bids information been provided to unions? You were the minister responsible for Secure Local Jobs.

Mr Pettersson: Repeat the question for me?

MRS MORRIS: Has the information of any contract tender bids ever been provided to unions?

Mr Pettersson: This is really a question outside of my portfolio responsibility.

MRS MORRIS: Until about five minutes ago, you were the minister for the Secure Local Jobs Code. Why are you no longer responsible for that?

Mr Pettersson: There was a change in ministerial arrangements. A range of changes have been implemented across government to ensure that we are responsive to the needs of our city, and we are looking forward to getting back to work.

MRS MORRIS: Does the government now consider it inappropriate that you did have responsibility for the Secure Local Jobs Code, given the only reason you do not currently have responsibility for it is because of a major corrupt finding that was handed down by the Integrity Commission which went to the heart of this government?

Mr Pettersson: Interesting question, Mrs Morris. I cannot accept the premise of it. I think you draw a very long bow and, as such, I decline to entertain it further.

MRS MORRIS: Again, I will go back to my original question. You are the industrial relations minister and a longstanding minister responsible for the Secure Local Jobs Code.

Mr Pettersson: I have not been that longstanding.

MRS MORRIS: Has information relating to contract tender bids ever been provided to unions?

Mr Wright: Mrs Morris, that is not something that would happen under the Secure Local Jobs Code. That would be a procurement matter, which might happen under the MOU. It is not something that falls under the Secure Local Jobs Code, the team or my role as registrar or the portfolio of minister, in their former capacity as the minister for Secure Local Jobs.

MRS MORRIS: Thank you for that answer. I understand from your answer that it does not fall within your remit, but are you not aware of that information having been provided to unions?

Mr Pettersson: I think we took it on notice. I am not the minister responsible for—

MRS MORRIS: It is really just a yes or no if you were aware or not.

Mr Pettersson: The answer is that we took it on notice. You do not get it taken on notice and then another answer. We have taken it on notice. As I have tried to explain, the minister responsible for those matters and the officials that do that work are best placed to answer that—and they are not here.

MRS MORRIS: Minister, have you ever provided any direction to the registrar regarding a business or an entity that has failed to live up to the code?

Mr Pettersson: Thank you for the question, Mrs Morris. I will take that in, I hope, a good spirit, and can assure you, no.

MRS MORRIS: Okay; that is good to know. Registrar, have you ever been approached by a minister regarding an entity that has failed to live up to the code?

Mr Wright: No, Mrs Morris, I have not.

MRS MORRIS: Thank you. How many businesses have had their certificates cancelled or refused under the code?

Mr Wright: I would need to take that one on notice, Mrs Morris, but we will provide that very quickly.

MRS MORRIS: Thank you.

Mr Pettersson: Can you provide an indication of whether it has happened?

Ms Lukins: I think we will take that one on notice.

MR COCKS: Minister, do you accept the CFMEU's position that the ACT's industrial relations framework, including the code, gives them a more intrusive role in enterprise bargaining and access to information than under federal laws?

Mr Pettersson: Can you say that again, Mr Cocks?

MR COCKS: Do you accept the CFMEU's position, essentially articulated in the Operation Kingfisher report, that suggests that unions should have greater access to information? It was argued the code went beyond merely restating prevailing industrial laws and practice and made significant changes to strengthen the bargaining position of unions. The CFMEU's position seemed to be that the code gives them a more intrusive role than federal laws. Do you accept that that is appropriate?

Mr Pettersson: If I understand the question it is: do I accept someone else's characterisation of something? As a starting point, I look to my own characterisation of events before considering others.

MR COCKS: Not a yes, not a no; just—

Mr Pettersson: If you are asking me if I agree with someone else's characterisation, my starting point is that is not what I arrive on in forming a view.

MR COCKS: I would expect you to form your own view; I am asking if your view coincides with that of the CFMEU.

Mr Pettersson: I am relying on you giving a quote here.

MR COCKS: I am happy for you to take it on notice and review it.

Mr Pettersson: I do not think that that is necessarily needed. The views expressed by others are their views. It is for them to explain.

MR BRADDOCK: I have a very quick question. The Council of Federal Financial Relations Forum has been considering an occupational licensing or registration for engineers under their single national market for workers objective. Do you support this initiative, and have you thought through what the advantages would be for the ACT if this were to be implemented?

Mr Pettersson: Good question—and my mind is drawing a blank; I apologise, Mr Braddock. Let me get back to you on that one.

MR BRADDOCK: Okay.

Mr Pettersson: We will take that on notice.

THE CHAIR: That was quick.

MR BRADDOCK: Well, there is no point asking a follow-up because he is just going to draw a blank.

THE CHAIR: Do you want to put the whole thing on notice and just ask the whole question or do you want to do it?

MR BRADDOCK: No, that is fine.

THE CHAIR: Okay.

MR EMERSON: Ms Jackson, earlier you said that the WorkSafe investigation into the EV Centre of Excellence was concluded. Last week, WorkSafe ACT said it was ongoing. When did it conclude?

Ms Jackson: My understanding is that that had been completed from my discussion with our head of audit, but I can follow up on that.

MR EMERSON: When were those discussions held?

Ms Jackson: Last week.

MR EMERSON: Before last Wednesday afternoon?

Ms Jackson: I am really not sure.

MR EMERSON: The current CEO indicated to the board that misconduct investigations had concluded with no findings, and I am concerned about evidence in this hearing that a WorkSafe ACT investigation was concluded with no findings. I am not impugning you, Ms Jackson, but there is a trend of this having happened. Just last week they said in fact it is ongoing, which means there may be findings. So it might be worth taking it on notice and getting that clarified.

Ms Jackson: Yes. Mr Emerson, can I just clarify what investigation? There was an investigation conducted by WorkSafe ACT into an incident that occurred at Floriade, which I thought was the question that you asked earlier on.

MR EMERSON: No, that is—

Ms Jackson: Then there was the EV investigation with the activity that was conducted in the basement at Woden.

MR EMERSON: They received a complaint that was multifaceted—that is how they described it—in relation to the EV Centre of Excellence. The Woden carpark was part of that. There were other parts as well—labour hire vehicles, fleet vehicles. I asked about the use of the carpark and what the nature of the investigation was and they said it is still ongoing and so it is yet to be finalised. This was in the afternoon last Wednesday, 29 July.

Ms Jackson: I cannot recall what day it was that I was speaking to the head of internal audit, but he certainly indicated certainly that there was no concern for safety in the use of the Woden basement.

MR EMERSON: Would you like to take on notice any further information and you can update us?

Ms Jackson: I will take it on notice.

MR EMERSON: Thank you.

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*. Thank you.

Short suspension

Appearance:

Office of the Director of Public Prosecutions

Engel, Ms Victoria SC, Director of Public Prosecutions

THE CHAIR: We welcome the Director of Public Prosecutions. Please note that, as a witness, you are protected by parliamentary privilege and bound by its obligations. You must tell the truth, as 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. Welcome, Director. I have a question around the budget statements and your budget. I would like to clarify what your projected budgets in controlled recurrent payments for your office are for the years to the 2029-30 financial year.

Ms Engel: I have read and acknowledge the privilege statement. In relation to the budget until—did you say 2029?

THE CHAIR: 2029-2030 inclusive.

Ms Engel: Bear with me for a moment.

THE CHAIR: The controlled recurrent payments.

Ms Engel: We have had, obviously, the increase of—

THE CHAIR: \$18.9 million.

Ms Engel: \$18.9 million, which adds, over the four years, just shy of \$5 million a year to our base budget. Our previous base budget lingered at around \$16 million. In order to get the exact figure, I will come back to you on that.

THE CHAIR: Thank you. Where is that \$18.9 million being invested? What is the breakdown?

Ms Engel: There is a range of different measures that we are implementing with that funding. Some of the funding is directed towards making temporary positions permanent. We have now been able to convert about 10 of the additional positions that were temporary to permanent positions.

There are an additional 14 positions. They are new positions, and there is a mix of lawyers, and some of those legal positions are being put into our MERIT team, an early intervention team, with the intention to try to take matters out of the system earlier, by way of appropriate pleas of guilty, and to remove matters from the system that do not need to be in the system. We are doing that by way of having more senior lawyers allocated to look at those matters sooner. The other part of the investment relates to additional Witness Assistance Service officers, who support victims, complainants or witnesses in sexual violence and death matters, as they progress through the system.

THE CHAIR: There are 10 permanent, and there are the additional 14 new prosecution positions.

Ms Engel: That is correct. New positions—a mix of legal positions and Witness Assistance Service officers.

THE CHAIR: What is the breakdown?

Ms Engel: The precise breakdown is one Crown prosecutor, nine prosecutors at a variety of levels, and four additional witness assistance officers, one of which we have made an identified First Nations role. That accounts for the 14; then, as I said, for 10 that were previously short-term arrangements, we now have the capacity to make them ongoing.

THE CHAIR: Does your budget include paralegals? Is that part of the budget, or is that a separate stream?

Ms Engel: Not in those positions, no. We have previously increased paralegal numbers over the last few years, to try to—

THE CHAIR: Balance out.

Ms Engel: create efficiencies. Work that can be done by paralegals is being done by paralegals, but this budget initiative does not include paralegal positions.

THE CHAIR: I refer to an article published by the ABC on 14 October, where you said:

“There is what I would call a cognitive dissonance between the expectations that are being set by the government in the space of family and sexual violence, and what you would expect if you were a victim of family and sexual violence coming into contact with my office, and what is actually being given to my office to achieve justice for those victims,” ...

We know that the police have expressed their concerns around this, too, particularly given that they will continue to compile briefs which may not go any further. Given that the rate of sexual violence has skyrocketed, and the Victims Register has been seen to increase by 257 per cent since December 2022, are you confident that this budget will allow your office to fully deliver justice to Canberrans? Are you concerned that the benefits are somehow neutralised because of the extent of the increase in sexual and family violence?

Ms Engel: Thank you for that question. I will answer it, hopefully, in a few parts. The first is that, as I said publicly after the budget announcements, the increase to our baseline is very welcome, and it has been a recognition of a long-term deficit. I believe that, when the Attorney-General appeared before estimates last week, she recognised that there had been something like a 10-year deficit that this funding was intended to address. What we are looking to do with this funding, by way of, in particular, the MERIT initiative—an acronym for “Model for Early Resolution Intervention and Triage”—is to try to use the resources that we have been given as smartly as we can. This funding is giving us breathing space, so to speak, to set up

these new initiatives.

The other thing that we are looking at is additional efficiencies that we can achieve within the resources that we already have, and one of those examples is the setting up of a co-located Domestic Violence Crisis Service worker in my office one day a week, with the collaboration, of course, of Sue Webeck and DVCS. That is to attempt to reduce inefficiencies and duplication and, most importantly, to ensure the way we are communicating with family violence victims is their preferred form of communication, and that we are not unnecessarily asking them similar questions that they have already been asked by their DVCS worker.

To answer your question, we are using the funding to try to work as efficiently as we possibly can. What it looks like in the long term will be a question for further budget processes. What we know from the figures so far for this year—and I know we have not read an opening statement, but I submitted an opening statement—is that the increase that we have seen over the last five to 10 years is certainly not a short-term spike. The victim-complainant numbers that my office is dealing with are just shy of 5,000 a year. That is a huge number, especially where, so far, we only have the capacity to have witness assistance services in sexual violence and death matters.

There are many matters outside those categories where it is left to individual prosecutors to comply with the victims charter to support victims and complainants as best they can, and to meet their various obligations. Precisely what will be required in future years is a question that we will be able to address once we have been able to divert these very welcome resources to those initiatives—most importantly, the MERIT initiative—and we will see where we land after that.

THE CHAIR: Given the increase in resources for your office, but the lack of a commensurate increase for Legal Aid, from my experience, what happens is that some of the work—where there is a self-represented litigant, for example, who probably cannot obtain Legal Aid because of funding constraints—falls to the prosecution to do, because it is a self-represented litigant. Are you concerned that you would have to carry a lot of workload as a result of that?

Ms Engel: So far, we are not seeing that particular impact in relation to Legal Aid funding. There are two points that I would like to make in relation to Legal Aid funding. The first is that my office and I strongly support a well-resourced justice system in every area. I have made public comments supporting funding for Legal Aid in the past, and that is certainly my primary position.

There are a couple of things to note, though. There is a common misconception that an increase in funding means an increase in matters coming before the court, and that is not correct. The number of matters coming before the court is dictated by police charging rates, and that is the inflow coming into the office. How quickly we are able to look at them will, hopefully, allow us to resolve matters sooner—take matters that should not be in the system out of the system. It does not actually result in more matters going through the system.

The other aspect is that Legal Aid perform a very vital service, obviously. They are not in every criminal matter that we do, but they also provide services outside the

criminal law, as you would know, and provide really valuable services outside the criminal space. The concern that you have raised is not something that we have seen to date, but I work very closely with Dr Boersig. I have a close working relationship with him, so we will continue to monitor that.

MR EMERSON: Correctional Officer Sean Harrison was recently acquitted of an assault charge for an incident in the AMC where he strip-searched a detainee and forced the detainee's fingers into his anal area in search of contraband. What was your reaction to this outcome?

Ms Engel: The finding was, as I can best recall, that the conduct was not unlawful. To my mind, given that that finding has been made, it is a matter now for the government to review the legislation and see whether it is achieving its intended goal in relation to that. Obviously, any time there is an alleged assault of an inmate within AMC, that is a matter of significant concern. My position has been that those matters are of public interest and public concern to the Canberra community, and that people who are in detention should be treated with respect.

MR EMERSON: Did you learn through the case whether this so-called "raking technique" is a common practice among correctional officers, or is this an isolated incident?

Ms Engel: I believe there was some evidence that, at least historically, it was thought to be a common practice. As to the particular way that the evidence fell in relation to that aspect, I might have to take that on notice, but I do recall a suggestion that it was common practice, at least historically.

MR EMERSON: Okay. Perhaps this one can be taken on notice, too. It has been put to me that that might not have just been common practice, but a trained technique. I was curious to know whether or not that squares with your understanding through the case.

Ms Engel: In order to answer it accurately, I might take that question on notice. I do have a recollection about it, from the evidence on the brief, but I want to be sure that I am being accurate. I will take that on notice.

MR EMERSON: Okay. Separately, I understand that you have recently co-signed a public statement related to the New South Wales DPP that endorsed her character and conduct just before a New South Wales parliamentary report was due to be released, relating to her allegedly having leaked a story about an Aboriginal boy being allowed by a judge to perform a welcome to country prior to being sentenced. Are those facts right?

Ms Engel: To my understanding, that is correct.

MR EMERSON: I am curious about how that came about—I know that a lot of people signed the statement—and about what judgement was made by you as to whether it is part of your role as the ACT's DPP to use the authority of your office in that way.

Ms Engel: Thank you for that question. It was signed by all the various directors across the country. The statement was a show of support to the New South Wales Attorney-General. Obviously, the letter was leaked, but it was sent to the New South Wales Attorney-General, in recognition of the fact that—at least for my part—as DPPs, we have an acute understanding of both the privilege and the heavy responsibility that these roles occupy. The roles are subject to significant public scrutiny, as they should be. But being in that particular position and understanding the pressures and the privilege of that position, I considered it appropriate to show a sign of support to Ms Dowling in the way that we did, and that was a position that was adopted by all the DPPs.

MR EMERSON: The parliamentary report that then came out ultimately found, as you know, that the New South Wales DPP, Ms Dowling, had authorised the leaking of the story to radio station 2GB, and the committee found that she then lied to the committee about having done so. What was your response to this? Do you endorse that conduct?

Ms Engel: Given that the situation in relation to the inquiry is still playing out—I understand that there will be a review by the Crown Solicitor’s Office in New South Wales—I do not consider it is appropriate to comment on my views of the report. The letter of support was issued in advance of the release of the report, and it was talking to our knowledge of her character and integrity. What the outcome is in relation to that report, and what New South Wales does with that report, is really a matter for them. Our letter was limited to showing support for a colleague, understanding full well the type of role that she occupies and the pressures that come with that role.

MR EMERSON: Okay. Acknowledging the pressures, it seems a little bit like a character reference prior to the evidence actually being available in the findings of that report and timed in an interesting way. Do you support removing character references from sentencing processes?

Ms Engel: It is a complex issue; that is probably the way that I would answer it. I do think that, as a society, we have moved beyond understandings of either good or bad character. I think it is a very archaic way of thinking of human nature. It can be a flawed way of thinking of human nature because, of course, everyone is compartmentalised of good and bad qualities.

That sort of thinking has led to historical ideas that somebody could not be a family violence offender, or somebody could not be a child sex offender. Having prosecuted matters like this for coming on two decades, I know full well that that is not the case; people have all kinds of complexities to their characters, and they can be good in parts of their character and not in other ways. I think that is my general view in relation to the way that the law looks at good and bad character.

In relation to the removal of good character insofar as child sexual assault sentences, I understand the very strong arguments for that. I participated in a roundtable that was set up by former Attorney-General Shane Rattenbury, together with a number of victim-survivors who took part in that. That was in 2024, from memory. I can fully appreciate the harm that is caused by the reading of those types of references in that context, and it probably plays into a broader question of the way the law looks at

character, full-stop.

MR EMERSON: Going back to the original question, you cannot have known what the parliamentary inquiry would find, in signing a statement before the report was handed down, yet you backed in Ms Dowling's character, without access to the evidence. Do you regret having done so without first looking at the findings of the inquiry?

Ms Engel: There are a few things that I need to correct in your question that I do not accept. The first is that I did have access to the evidence. Whilst not necessarily being across the minute detail of everything, I had watched the various times she had given evidence. I had read statements that were available in relation to the matter, and I followed the proceedings, generally speaking. I did have access to material. As you will note from the letter, we were speaking to our impression from our professional dealings with Ms Dowling, not commenting on the evidence or otherwise, or any findings that the committee would make. It was sent specifically to the Attorney-General in relation to support for our colleague.

MR EMERSON: Okay; so you stand by that position?

Ms Engel: Yes.

MS VASSAROTTI: Going back to some of the conversation we had a little while ago in relation to workload and the things that are coming into the office, recognising that there are reforms that are either coming or have recently been introduced that are really important reforms that the parliament has been working on, I was interested, firstly, in getting your perspective and views on how the affirmative consent laws are playing out from a prosecution point of view and/or or how that is impacting the office.

Ms Engel: Thank you for that question. The impact has been multifaceted. We are seeing an increase in relation to sexual offences charged by police. It is a little bit difficult to quantify the impact of affirmative consent laws and the impact of the SA(P)R review. They were relatively close in time, so my impression is that it is a combination of the two that is seeing a steady but significant increase, year on year.

Insofar as jury trials, we know that there is a high proportion of sexual offence matters that proceed to trial. There are a variety of reasons for that. The great majority of our Supreme Court trials are sexual assault matters. With some of the ways that we are, anecdotally, seeing impacts in relation to affirmative consent, there is the need for expert evidence—things like freeze and fawn responses, where somebody freezes during an alleged sexual assault, or where they fawn in relation to an alleged sexual assault. That is reported in the research as a coping mechanism, and a safety mechanism, in fact. That is something that arises in many sexual assaults, but it is particularly prevalent in affirmative consent matters.

That requires my office to ensure that the jury are armed with expert evidence in relation to those phenomena, and to make sure that we are providing a jury with all of the material they need to make a proper assessment of how a complainant does or does not behave, so that they are assessing a complainant's behaviour through the

right lens, with the right information. That is one of the impacts, that we are seeing—a greater need for expert evidence.

Of course, the way in which my prosecutors are trained and the way in which they are able to explain affirmative consent provisions, and also explain those somewhat complex concepts, like fawning and freezing, and why somebody may or may not do certain things, means that their level of skill needs to be high. It is something that we have been working on internally and in making sure that they are armed with the right training to be able to prosecute those matters properly, when those matters are proceeding to trial.

MS VASSAROTTI: Picking up on the SA(P)R review work, we have had a conversation with both the Attorney-General and police around Operation Foster in particular, and the fact that, more than two years down the track, and with an identification of the priority of working through those cases, we have more than 100 cases that are on foot and still progressing, including work through your office. Particularly given the significance of the impact of time on victim-survivors, do you have perspectives on how that is playing out?

Ms Engel: Yes, certainly. There are two things that we are seeing in relation to Op Foster matters. The first is that the number of alleged victims coming through in some of those matters are greater than historically the office has dealt with. We have some matters where, for one single file—which is counted as one file in my office—there are well over a dozen complainants. That, obviously, increases workload and complexity.

What we are also seeing, along the lines of your question, is that, by the time my office first comes into contact with a complainant, it is so far from the start of their journey. They have been in the system for years. One thing that we have tried to do with the way that we train our staff is to recognise that the first time my prosecutor is meeting a complainant is not the start. They will have been—especially for those Op Foster matters—potentially in limbo for many years. The way that we communicate with and support a complainant has to take that into account.

Obviously, it increases the complexity when you are dealing with somebody, because the time is not ticking from when they come into the office. They have already experienced significant frustration and a whole range of other emotions, no doubt. It means that the way that they are supported, the way that they are communicated with and how that looks for my prosecutors needs to be really sensitive and appropriate. They are very good at that; but, of course, all of that takes time and care. That is one of the areas where we are seeing the huge benefit of the Witness Assistance Service, because they are involved in the sexual violence matters; that is where we are prioritising their involvement, together with death matters.

I have said this before in this forum: it is about having somebody in my office whose role it is to support and communicate with a sexual assault complainant and to make sure that when, for example, there is a conference, the lawyer is communicating clearly, they are not leaving any questions unanswered, and they are communicating in a way that is appropriate for that particular complainant. It is about making sure, for example, that they are reminded, “Actually, this particular complainant has already

been assisted for four years; you need to be really conscious of that,” in whatever the communication is. We are seeing the value in that space of witness assistance. Of course, it is a matter of concern and, of course, when you then factor in the court pressures and the court delays, that adds significantly to a victim’s frustrations with the system.

MS VASSAROTTI: With some of the impacts on the DPP office, the delayed time is actually increasing the resource demand, by the time it gets to you?

Ms Engel: Definitely. We primarily track the matters completed each year and the matters coming in each year—the fresh files and the matters that are finalised that year. Of course, for every additional month or six-month period that a file remains in the office, it is not just sitting there; complainants and witnesses, understandably, want updates. The longer a matter goes on, the more—very understandably—frustrated they will get, and the more delicacy is required from my staff in appropriately communicating with them and taking time to recognise their frustrations in a way that is appropriate, because we are, really, the face of the justice system for a long period for many victims and witnesses before a matter ultimately finalises, whether it is by trial, by sentence or in some other way.

MS VASSAROTTI: In your view, is there additional mitigation that should be put in place to enable us to bring those matters to a head?

Ms Engel: I understand from my communications with police that they are targeting resources to that, and to ensuring that they are dealt with properly. Obviously, making sure that those matters, when they are being re-looked at, are looked at properly is important, given the history of some of those matters and what came out of the SA(P)R review. Additional resourcing across the board will always be part of the answer. As far as whether they could be progressed more quickly with police, that is really a question for the CPO, as to whether additional resources would assist with that.

MR WERNER-GIBBINGS: Can you please provide the office’s principal 2026-27 priorities for things like—this might need to be taken on notice, or you might be able to provide an answer now—timely case progression and prosecutorial quality? I have that written down; I do not know how you assess “prosecutorial quality”, because it might not be a matter of a win-loss type of thing. I refer also to workforce capability, and communication with victims and witnesses, and how that process is measured and improved.

Ms Engel: I will attempt to answer it now; I will take whatever I need to on notice.

MR WERNER-GIBBINGS: Okay; yes, please.

Ms Engel: With respect to timely case progression, that is really where we are attempting to see benefits through the MERIT initiative. As I said in my written opening statement, hopefully, by the time I next appear in front of this committee or at annual report hearings, I will be able to provide statistics on what we are seeing with that MERIT initiative.

We are funnelling a significant number of matters, when they first come into the office, through that initiative, including all juveniles who are charged by police, and anyone where they are identified as Aboriginal or Torres Strait Islander. There are a significant number of offence categories that have been funnelled through that team. There are some carve-outs in relation to sexual violence, child sexual assault offences and death matters. There is a huge part of our incoming files from police that will go through that team.

What we hope to see—obviously, it will take time; the team started about two weeks ago—is that issue of timely case progression starting to filter through. My priorities in that space are matters that do not need to be in the system being taken out. That could be as a result of restorative justice referrals. Very pleasingly, in that space, in the last 12 months we have had more referrals from my office than we have had in many years into restorative justice. That was as a result of our collaboration with the team, education of my staff on what RJ looks like, and making sure that we are having conversations with complainants or witnesses about whether they are interested in RJ early on.

My priorities in that space are taking matters out of the system that can be pursued in a different way. With respect to early appropriate resolution, we see pleas of guilty entered quite late in the day, and that is as a result of a number of factors, but where I can have influence is diverting senior staff to look at those matters, to make sure that, if there is an appropriate plea offer, it is being accepted early, or if there is an appropriate plea offer to be made, it is being made early.

The other priority is matters that are going to proceed to trial. Inevitably, there will always be matters that are contested, so it is about trying to narrow the issues in those matters, so that we are not getting to a trial and having a two-month estimate for something that actually could have been dealt with in two weeks. They are the three priorities in that space.

With respect to the quality, as you indicated, it is very difficult. Our KPI is not wins; our KPI is to prosecute matters fairly, robustly and competently. It is an ongoing issue, across all DPPs, as to how you actually measure that.

MR WERNER-GIBBINGS: Particularly when so much is out of your control.

Ms Engel: Precisely.

MR WERNER-GIBBINGS: With the case progression as well, you can be absolutely set up and everything has been ticked from your end, but the system being what it is, those parameters cannot be achieved.

Ms Engel: Certainly, I have goals in that space, but how you measure them is—

MR WERNER-GIBBINGS: Yes, and on the flip side, you might think, “This one’s going to be a 10-week case,” and suddenly it has finished in a month.

Ms Engel: Precisely. My goals in that space are that my prosecutors act fearlessly, courageously, with integrity and fairly. How you measure that is difficult to quantify.

In relation to the workforce capacity, one of the main issues that we have, as all DPPs have, is the risk of psychosocial hazards. Because of the nature of the work, we cannot eliminate that, but it is about trying to make sure that we put enough protections in place to minimise psychosocial hazards and to support the staff as well as we can, including by training them adequately in relation to things like how to prosecute sexual assault matters, how to explain what is known as counterintuitive behaviour of sexual assault complainants—all those things.

In relation to complainant and victim interactions, it has been a significant priority of mine as to how we better support complainants, victims and witnesses, recognising that, by the time they are coming into the office, they are already dealing with some of the worst times of their life. One of the ways we have been doing that is through community education, trying to help the ACT community to better understand what my office is and what we do, and so that, in the unfortunate event that a complainant, victim or witness come into contact with my office, they are not learning those things at a time when they are already struggling through a court matter. They already have at least a basic awareness of who we are and what we do. By the time they are coming into the office, hopefully, that is not another thing that they have to learn, whilst it is already a really stressful period for them.

MR WERNER-GIBBINGS: I have a final question about the time that a trial is taking and how they manage it. It is probably not an explicit question for the DPP, but I would appreciate your views. Since I went to the first legal open day, the court's open day, last year, I have been doing some thinking about the fact that it is about 10 years since the Jury Directions Act in Victoria in 2015 was put in, to simplify how jury directions are made by judges to juries, and how prosecutors and defence counsel need to work in those situations. As far as I can tell, there is not anything like that in the ACT; it is mostly common law that we are still looking at. With jury directions, is that something that can be looked at?

Ms Engel: I think there are areas for improvement. There are certainly some directions in relation to delay and other factors which have some commonality with the Victorian jury directions. It is certainly an area that, in my view, would warrant further review. There is also some really interesting research from Professor Julia Quilter and Professor Luke McNamara from Wollongong University. They are coming to speak to our staff and some counterparts from other DPPs later this week. They have done some fascinating research in relation to jury directions, and they posed a hypothesis about whether or not they need to be updated. I think it is a general area that warrants consideration; that is probably the best I can answer it.

MS VASSAROTTI: Going back to some of the reforms that we know are coming—and a number of us have been involved in some of the work around this—I want particularly to talk a little bit about criminalising coercive control, which the government has committed to introducing. It has tabled legislation. We are going through an inquiry regarding that now. Can you comment on this proposal? In your view, how effective will it be, and what are you seeing currently in terms of coercive behaviour, particularly in family violence matters?

Ms Engel: Certainly. We have provided significant feedback in relation to the legislation. My deputy, Mel, sat on a number of committees in relation to coercive

control. We have provided feedback from the experience of our counterparts in Queensland and New South Wales, with some suggestions in relation to how the legislation might best be drafted, so to speak. We certainly see aspects of coercive control through family violence and sexual violence matters. It is not an insignificant factor in many of those files.

One of the concerns that I think is not just a concern in my office but a broader concern is the resourcing that will be required to not only have those matters prosecuted properly but also have them investigated properly. As we know, coercive control can manifest in a variety of ways. Where it relates to financial control, that may require police to obtain statements from accountants—forensic accountants, for example. Similarly, where it is tech abuse, that will require expert evidence in relation to that. They are complex investigations. I imagine that they are investigations that will require the provision of advice from my office as to whether or not matters enjoy a reasonable prospect of conviction, which is one of the tests under our prosecution policy. That is a concern that we have. I am pleased that there is a lead-in time proposed in relation to the legislation.

The other concern we have—“concern” might be putting it too highly, but the other thing we are keen to see—is that there is training in relation to not only police and the courts but also my office. Unlike other jurisdictions, where it is police prosecutors who have been prosecuting these matters, it is my office who will be prosecuting any coercive control matters. The training of my staff will also be imperative.

MS VASSAROTTI: Are there concerns around the issue of victim mis-identification?

Ms Engel: It is always a concern. That is one of the reasons why being able to allocate senior resources to look at matters sooner will be imperative in relation to coercive control. The ability of a more senior prosecutor to spot issues of mis-identification due to their experience, obviously, will be greater. The way that we will tackle it is the same way that we tackle it at the moment, which is to educate and train the staff. In addition, hopefully, we will be able to allocate senior enough prosecutors to those matters to ensure that, if there are concerns about mis-identification, those are being addressed, and that if those matters should not be in the system, they are taken out sooner rather than later.

THE CHAIR: I have a few questions around the AMC. Do you have concerns about the management of the AMC on ongoing issues and Corrective Services more generally? Does that factor into your decision-making about whether or not to prosecute?

Ms Engel: I will take it step by step. We work very collaboratively with the Commissioner of Corrective Services, Ms Close, in relation to any small issues that arise. We have an open dialogue with them in relation to things that come to our attention. That is usually in the bail space, as matters are ongoing. Once somebody is sentenced, it is often the case, or usually the case, that we do not have much involvement, when somebody is a sentenced prisoner. It is usually in the bail space that things arise. When we raise issues, they are appropriately dealt with.

THE CHAIR: What sort of issues arise in that case?

Ms Engel: We have, in the past, raised concerns around communication to family violence victims and how that is monitored, for lack of a better word. As we know, in the space of family violence, continued contact, and continued coercion, obviously, is a risk. It presents safety concerns and concerns in relation to the ongoing prosecution. That is one of the areas where we have had communication with corrections.

On the availability of medical treatment, on occasion, we have bail applications made where there is material put forward to indicate that a remandee might not have access to the right type of medication or treatment. We will communicate closely with corrections and make sure that the right information is being put before the court in relation to that. Ms Graczol has just reminded me that the issue of day bail is another matter where we have frequent communication with corrections, and that issue has been very well addressed by corrections.

In relation to the second part of your question, to the best of my recollection, that has not been a factor that would come into account. The prosecution test is: are there reasonable prospects of conviction? Is it in the public interest? That type of consideration would come in under public interest. To the best of my recollection, that has not been a factor in any matter.

THE CHAIR: The reasonable or first test. I am sorry; I cannot remember—

Ms Engel: A reasonable prospect of conviction.

THE CHAIR: Is the prospect of success a top consideration, then the public interest, or are they given equal weight?

Ms Engel: No, they are both separate and important considerations. I cannot think of any matter where the treatment in AMC or concerns about treatment in AMC have resulted in a matter not proceeding because of the public interest test. Ms Graczol has reminded me that it might be something that becomes relevant on sentencing, and it will be taken into account in that way.

THE CHAIR: Sentencing, yes. On that, are you concerned that the courts are discounting sentencing, especially on appeal, as a result of conditions at the AMC?

Ms Engel: I need to be careful in how I answer that, because that, obviously, relates to a matter that is still before the court.

THE CHAIR: Or in general—probably not on appeal, but in general.

Ms Engel: I think, in general, I have not seen that trend. There is a matter that is currently before the court where that submission is being made and that offender is yet to be re-sentenced. I am not sure that I can answer that without being at risk of interfering with a matter that is still ongoing.

THE CHAIR: That is a fair assessment. In general, you are not concerned?

Ms Engel: Historically, to the best of my recollection, that has not been a matter that has caused me concern, and Ms Graczol has not seen that, either, as a trend. Obviously, it is a reason in relation to this particular matter that is currently before the court.

MR EMERSON: Does your office pitch stories to the media? If so, how often does this happen?

Ms Engel: No, we do not. We are contacted by the media in relation to matters. Historically, before I started, the office would provide statements of facts to the media for matters that were ongoing. That is a practice that I overhauled, insofar as our policy is concerned, in approximately June or July 2024. Now, the practice is that if we are contacted, we refer journalists to the court, and it is the court that control the release of facts.

What we will do is verify particular information. By way of example, if there has been a closing address, and the journalist has sat through the closing address but wants to make sure that they did not jot down something incorrectly, through our media and communications role, that journalist will contact our media and communications officer, and he will check with the Crown prosecutor to make sure that the details are being accurately reported. But we have a very clear policy in relation to our contact with media. Any contact with media, any responses and any media releases, are done through approval via me or in writing. There is good reason for that really clear governance, to make sure that any communication with media is being appropriately managed.

MR EMERSON: With that role, did you say it was a media and communications officer?

Ms Engel: Yes.

MR EMERSON: What is the salary for that position? What is the classification?

Ms Engel: It is a SOGA. That role has existed since approximately June or July 2024. There was a period when it was unfilled; it has now been filled for approximately a year—almost a year. That is a multifaceted role. It deals with media inquiries and media releases. Also, probably an even more significant part of the role is communications. The person currently occupying the role has just overhauled our website. That will be launched pretty soon. That involves not only making it user friendly; he has also just gone through the process of user testing that with lived experience victims, for victim-survivors that I have dealt with who have come through the office. They have very kindly given up some of their time to user test that and provide feedback on how our website can be more accessible and user friendly for victim-survivors, witnesses and complainants. He is also working on a number of other communication strategies, a disability action plan—a number of those things that we previously did not have the capacity to progress, unfortunately, so that role has been pivotal in that space.

MR EMERSON: Social media posts; that is the other thing?

PROOF

Ms Engel: That is correct, yes.

MR EMERSON: That is maybe a \$160,000 or \$170,000 position—something like that?

Ms Engel: I believe so, yes.

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*. The committee will now suspend the proceedings for a lunch break.

Hearing suspended from 12.43 to 1.39 pm

Appearances:

Steel, Mr Chris, Treasurer, Minister for Planning and Sustainable Development,
Minister for Heritage, Minister for Sport and Recreation

Chief Minister, Treasury and Economic Development Directorate

Campbell, Mr Russ, Acting Head of Service and Director-General

Dowdell, Ms Michelle, Acting Under Treasurer, Treasury

Pirie, Mr Mitch, Acting Deputy Under Treasurer, Treasury

Austin, Mr Scott, Executive Group Manager, Finance and Budget, Treasury

Roberts, Mr Chris PSM, Acting Executive Group Manager, Economic and
Financial, Treasury

McAuliffe, Mr Patrick, Executive Branch Manager, Investments and Borrowings,
Treasury

THE CHAIR: We welcome Mr Chris Steel, as Treasurer, and officials. Please note that as a witnesses you are protected by parliamentary privilege and bound by its obligations. You must tell the truth, as 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, and I will allocate the first lot to Mr Cocks.

MR COCKS: Thank you, Chair. I am going to try and bring a few things together, Treasurer, that have come up throughout the hearings. It all really goes to the reliability of the budget estimates and the forecasts that you have provided with the budget. The first one is what I think is one of the significant holes in the forward estimates, which is public and community housing. It was revealed through this process that it looks like the government has funded about 440 fewer homes than would be required to reach the government's target for ACT Housing properties, which is supposed to be in place just six months after the final year of these budget estimates. Why do we see a budget that has a published number that the government is seeking to achieve and then funding to deliver roughly half the number of houses that is actually required?

Mr Steel: I refer you to the Housing Supply and Land Release Program, which is not a formal budget document, but is—

MR COCKS: Sorry; I am referring to the public housing.

Mr Steel: Yes, understood. Public housing forms part of the broader Housing Supply and Land Release Program. So I refer you to that document, which outlines all of the different policy measures that the ACT government is pursuing to support housing supply, which is a priority. In addition to the most significant investments in self-government in housing in this budget, including a direct investment through the housing supply pipeline to support 450 new homes to be built, we are also undertaking the most significant planning reforms since self-government.

MR COCKS: Sorry, Minister, I know the committee gets frustrated with me asking questions that take forever, so I wonder if you could weigh up—

Mr Steel: Just as the answerer gets frustrated when he is interrupted halfway through a sentence.

MR COCKS: I wonder if we could stick to this question of the public housing portfolio—the Housing ACT portfolio—and what the target is versus what you funded in the budget.

Mr Steel: If you had let me finish, I was talking about public housing. The most significant planning reforms since self-government are occurring under our government right now to enable more homes to be built. That includes a program of work to look at inclusionary zoning. That is about enabling new affordable community and public homes on leased land. This is in addition to the direct investment in non-market housing through, for example, the public housing pipeline that will enable us to grow the overall public housing stock.

You may not understand the concept of inclusionary zoning, but it takes many different forms depending on the jurisdiction. That is part of the policy work that is underway to work out what the best model is. We are looking, particularly for the precinct-scale developments, at having requirements on those precinct-scale developments on leased land for lessees to provide a certain amount of affordable community and public housing stock as part of the private development of those precincts. That is not the government necessarily building those directly, but a lessee providing those. That will be in addition to what is being provided under the public housing pipeline. So, yes, we expect there will be a contribution from both lessees—private owners of land—as well as government direct investment in non-market housing.

MR COCKS: Okay but, Treasurer, officials confirmed during these series of hearings that the money in the budget is not enough to deliver what they need to under the targets that they have. They said they will need to go back and ask for more money. Why do we have target and funding for the same period that do not line up?

Mr Steel: What they would have been referring to is the direct investment in non-market housing.

MR COCKS: Yes.

Mr Steel: Not the inclusionary zoning policy that we are working on at the moment. They would not have been taking that into account. That will also assist with the task of meeting the housing targets. In future budgets the government will consider further investments in housing. We have been very clear in the announcements that we made about the housing program in the lead-up to the budget that this was the first stage of a very significant investment in new housing. We will need to consider that in the future budget context and how that will be funded. It will not all necessarily be funded through debt. There could potentially be opportunities to find savings to help offset further investments. They will be decisions that we make in further budgets as we continue to invest in public housing.

We are a government that believes in public housing and providing more community

housing stock, and we are going to do that in a variety of different ways. We will leverage the commonwealth's investments and funding sources through the Housing Australia Future Fund and other programs. We will develop an inclusionary zoning policy to ensure that there is more of a contribution from private landholders and not just the government directly investing in the public housing pipeline.

MR COCKS: Treasurer, by my calculations, the cost of the current commitment to public housing is roughly \$800,00 or so per dwelling. That is not cheap given the distribution of types of dwellings. But if you extrapolate that to what the gap is, you are looking at potentially around \$400 million by the time you factor in inflation over the forward estimates of investment to deliver the additional, I think, 440-odd houses that would be required if they were purchased. I note that you are talking about developing some inclusionary zoning requirements that might help you reach that, but we are talking about across the period of the forward estimates. How are you going to pay for that? It is not a small amount. If you are talking about finding \$400 million worth of savings—

Mr Steel: We have made a very significant downpayment on the public housing targets through this budget, and we will continue to leverage commonwealth funding to support additional housing and we will leverage investment from the private sector through inclusionary zoning.

MR COCKS: Okay. Minister, one of the other problems that I can see in the budget is the continuing use of non-ongoing initiatives. I thank Treasury for providing this listing in response to the order for production of documents. I have here the full active list that was provided on non-ongoing initiatives. Treasurer, this is 32 A3 pages long.

THE CHAIR: I am sorry, Mr Cocks, but what is the list?

MR COCKS: This is the list provided by the government in response to the order for the production of documents.

Mr Steel: Is this a new substantive or is this a supplementary to the housing?

MR COCKS: It goes to the same question I was foreshadowing right at the start about the reliability of the forward estimates. This has 32 A3 pages of font-size 10 initiatives that are non-ongoing across the forward estimates, many of which cover things that you would expect to be continuing in terms of services like frontline domestic violence services. Treasurer, have you quantified the impact of the non-ongoing initiatives if they were to be extended once they reach their terminating stage?

Mr Steel: The government has not made a decision to extend those. But I would note that the huge majority of those, as I understand it, are capital projects that are, by their nature, non-ongoing, because those projects once they are built are then built and no further funding is required other than, of course, potentially maintenance funding—and depreciation, of course, is also dealt with in the budget for those assets. There is also the inclusion of non-ongoing projects that have commonwealth grants or commonwealth agreements—so federal financial agreements where the agreement finishes at a certain point in time. It is possible that a new agreement may be

negotiated by the commonwealth, including provision of commonwealth funding through that agreement as well, but there are also programs in there where it is just a genuine one-off supplementary funding that is provided for a particular purpose. Some of those require programs that have evaluations that need to be undertaken or reviews ahead of future decisions being made to discontinue, continue or reshape the program. So there is a whole range of different situations there.

In relation to the community sector, I think we have demonstrated very transparently through this budget and through genuine collaboration and partnership with the community sector that we are serious about providing them with longer-term funding sources to give them certainty around their decision-making, planning their services and providing certainty for their staff. I think there is more work to do in that space to continue to work with them on that, but I think we have shown through this budget that we are delivering a level of transparency that other state and territories simply do not provide when it comes to their budgets.

Providing longer-term certainty in funding for the community sector has been a real focus and it has been welcomed by peak bodies like ACTCOSS and community organisations, particularly in the family domestic and sexual violence sector. We will continue to work with those community organisations around their needs as part of future budgets. But I think we have shown a level of transparency, quite frankly, that other jurisdictions, other governments, do not deliver.

MR COCKS: Treasurer, I take your point that not every dollar of this 32 pages should continue or would. There is a decent amount of capital spend in there. I assume there will be more capital spend coming—that you are not intending to just stop spending money on capital. However, after accounting for all of that and expiring saving measures—and we went through all of this—between, for example, 2028-29 and 2029-30, roughly \$40 million in operating funding just disappears. Even after accounting for expiring savings measures, you are looking at improvement from those measures just disappearing—of about \$38 million. That is just one year's change. How much of that represents services the government genuinely intends to cut? How much represents services you expect a future budget will have to fund again?

Mr Steel: You should be specific about the initiatives that you are asking about, and we can respond to them. I do not think it is helpful to generalise, because many of the new initiatives that may be replacing aspiring initiatives may have different titles. So there may be some confusion that you may have about whether they are continued or not. If you list the specific initiative, then we can come back to you on it and provide some more information. But I do not think the level of generalisation that you made is helpful, and I actually do not think it characterises what is happening at all.

In future budgets, the government will make decisions about whether we continue programs that do not have funding beyond the end of the financial year. We make those decisions transparently through the budget process. That is what we have done this year. We have made long-term funding decisions for a range of areas in the community sector and we have also, at the same time, through our fiscal strategy, reshaped the infrastructure program so that it is smaller and more sustainable over time, recognising that it has been at elevated levels coming out of the pandemic.

We will continue to, of course, monitor expenditure and expenditure decisions in the framework of the fiscal rules that we have set out, which are more specific and measurable in this budget than they have been in the past. That is the framework that we work in for this budget and will work in for future budgets. The whole purpose of the budget process is to make sure that we are making decisions in that context. We have not made some of those decisions yet. So that will be something that you will need to come back to in future budgets as we consider them. But if you want to be more specific about a particular initiative—

MR COCKS: How about the free Meals in Schools program?

Mr Steel: We will take that on notice and provide some information about it.

THE CHAIR: Awesome.

MR EMERSON: I want to ask about the setting of rates. I had a single mum reach out. She is a nurse and lives in a modest unit in Ainslie. She is facing a 19 per cent increase in her rates. It is a dual occupancy property on 550 square metres of land. She is paying more than \$5,800 per year in rates already and, under the proposed increase, would be paying almost \$7,000 per year. She provided some examples, and I thought it was illustrative. She said the average unit price in Ainslie is \$1,150,000—and I mentioned the almost \$7,000 she would be paying per year in rates—whereas a three-bedroom two-bathroom house in Deakin on a similarly sized block that sells for approximately \$1.3 million is paying around \$5,300 per year in rates and a four-bedroom, five bathroom house in Denman Prospect that sold for \$1.5 million pays almost \$4,000 per year in rates.

The point she is making is, one, this is pretty rough on her and, two, she is in, I suppose, missing middle housing and paying significantly more in rates than people living in single occy dwellings that are worth more in other suburbs. Has this government looked at whether the way in which rates are calculated with this kind of, I suppose, penalty for people living in unit titled dwellings or, I should say, multiple occupancy dwellings would inhibit the uptake of missing middle housing?

Mr Steel: I will have to pass that over to Mitch Pirie to provide some response to that question itself. I will not speak to the specific circumstances because, firstly, I do not know the details of them and, secondly, it would not be consistent with the tax secrecy provisions. But, in relation to the tax settings, they are based on stability, efficiency, equity and simplicity principles. We have a very highly progressive rates system in the ACT, as it should be. What that means is that low-wealth households pay a lower proportion of total general rates revenue. That is based on the value of the property, which is, of course, assessed by the Revenue Office and is averaged over five years. That is a relatively new feature of the system to, I guess, reduce the level of volatility in rates that you might get year to year in the valuations with the broader housing market. So it is generally being very fair in that sense. There is a mechanism to, of course, dispute evaluations—I think that has also come up during this estimates process—and there are different ratings factors for unit titled and non-unit titled residential properties. That means that unit owners are charged according to the progressive scale for rates, and maintains an equitable approach to calculating rates for all residential properties.

Generally speaking, I think the view of economists is that this is the most efficient way to raise revenues from land-based taxes like rates and land tax. So, like many other local governments, that is what we do. We have a somewhat similar system to other local governments in the way that the rates are applied. Obviously, there are differences because we are raising revenue to fund state-level functions as well as municipal functions that local governments would interstate, but there are similarities in the system. We have tried to maintain the progressive nature of that. In fact, we have backed that in in the budget by removing the health levy, which has meant that we have seen over 20,000 households see a reduction in their rates as a result of that removal of a fixed charge. The general rates bills will go up an average of five per cent, but that will be spread across the community and progressively applied to make sure that those people who have lower land values are paying less and those who have higher land values are paying more. Mr Pirie can address the question in relation to take-up of housing and building new housing. Whether rates affect building new housing, I think that would be fairly indirect.

Mr Pirie: That is right, yes. On that point, we would note that there is a myriad factors that influence any construction investment decision. Investors always look at after-tax returns, and that reflects the myriad of taxes and charges that they may face. We would expect that, like all the costs that investors face, this could be part of their considerations, but it is likely to be marginal in terms of the overall investment.

MR EMERSON: The point this person is making is that they feel they are being punished for living in a dual-occupancy property as opposed to a single-occupancy property. They are able to point to multiple other properties that have sold for larger amounts of money than their property is worth that are paying lower amounts of rates by virtue of, yes, being in other suburbs but also, on this person's read, by virtue of being standalone dwellings as opposed to units. So I am trying to understand the reason for what seems like, at least in some parts of the community, higher rates on units than on standalone dwellings and how that aligns with government policy, which seems to be focused very much at the moment on densification.

Mr Steel: It is based on average unimproved value, not improved value. I appreciate that most people, when they see housing prices, are looking at the improved value—the total value of the property, including the improvements—as opposed to the unimproved value. But the unimproved value is what is used as the basis for the valuation component of rates—how rates are distributed across the community. So, yes, there are differences between suburbs and particular parts of suburbs and depending on whether the block is zoned for RZ1 or RZ5, there are big differences in value of different blocks right around Canberra.

If you have a home in the inner north that is probably within walking distance of the city if you live in Ainslie, the unimproved value is highly likely going to be more than somewhere on the fringes of the city in Denman Prospect. It is highly likely to be more. That may not be in every single certain case. I do not know the particular block—and I do not think it is necessary to answer the question—but there are differences in value of the land; the unimproved component, and that is the basis of the calculation. So, yes, if you live in an inner city area that typically has a higher block value, then your rates are likely to be higher because the value of your land is

higher.

MR EMERSON: I understand how it works and I understand why it works that way. What I am trying to tease out is the difference between standalone occupancies and unit titled dwellings—or dual occupancies in this case—and how, more broadly, this aligns with government policy. I am hearing from people, and I am sure you have heard this as well, who say, for example, “I want to downsize to free up my home. I am an empty nester and I want to let a young family move into this home, but I am going to be paying more in rates for an apartment, whether it is close to the city or otherwise; so I am not going to do it because the rates are costing me more.” So I am asking about whether the government has looked at the current system for determining rates and how that impacts those decisions and whether that is actually aligned with the government’s own intentions in terms of making the city more compact.

Mr Steel: We can maybe take on notice what has happened in Ainslie in relation to unit property values. It sounds like the unit property values have grown faster in that suburb. So we will take that back and confirm that and provide some information for the basis of the valuation across the suburb.

MR EMERSON: Thank you. Has the government looked at an even more progressive approach to rates calculations that perhaps incentivise people to live under unit-titled arrangements as opposed to standalone dwellings? Is this an area of policy that is under consideration or has been?

Mr Steel: There have been some changes in recent years to the way units are captured by rates. We can come back with some information about what those changes were and the rationale for them. It was a couple of years ago that they were put in place. But I think it is important to note that there are a range of different blocks in Canberra where the value has actually gone down. Those properties, as a result of the valuation component of rates, over the average of five years may actually see a moderation of rate increases as a result. There are different effects happening in different areas, but it is highly progressive because it is based on the valuation. Moving away from a valuation to something different may challenge the progressivity of the system. I am not exactly sure what you are suggesting in terms of a reform to the system.

MR EMERSON: Discounts for unit-titled properties as opposed to standalone dwellings, potentially. I am not really proposing it; I am asking if the government has considered it. I think the changes that came in a few years ago had the opposite impact—right?

Mr Steel: I guess the concern from a progressive point of view would be: would that be lower-wealth households effectively subsidising higher-wealth households through a discount to their rates?

MR EMERSON: It depends on how you look at it, I suppose, but we could say the same thing about a 50 per cent remission on LVC from new missing middle housing and why Housing cannot afford a new missing middle home and why they are having to cross-subsidise those who can.

Mr Steel: They will be paying different levels. Again, it depends on where the missing middle home is.

MR EMERSON: I know, but I think it is a bit unfair to—

Mr Steel: LVC changes depend on what is in the lease but also on where it is. In a block like, for example, in Dickson, it may be \$196,000 to build two dwellings there with LVC. The 50 per cent remission obviously would halve that codified lease charge. So it still will be higher in areas where there are higher values.

MR EMERSON: I understand that.

Mr Steel: The progressive nature of the LVC system has not changed; it is just that there is a 50 per cent remission overall. You can put that policy idea—

MR EMERSON: What I am saying is that people who cannot build their own homes might say, “I am a low-income household and I am not in a position to access that discount. Therefore, I am cross-subsidising this other policy, which is intended to increase missing middle uptake.” To use that as an argument against considering doing a similar thing for rates seems to me a bit disingenuous—because we are all cross-subsidising each other in all different ways.

Mr Steel: Rates is a variable-based system that brings in a huge amount of more revenue than LVC will ever bring in. So a broad-based kind of subsidy for a certain group of lessees who own high-value property has a much bigger implication. Changes to tax settings need to be very carefully considered to understand what unintended effects they might have. We think we have a pretty progressive system. I have taken on notice that we will come back in relation to the changes that were made a couple of years ago around unit ratings. But, not knowing the particular block and not understanding what might have happened in the last five years to that block, we can come back in relation to Ainslie with some broad-based information.

MR EMERSON: Okay; thank you.

MR COCKS: Minister Steel, I do not think you have addressed that the fixed charge for units is actually 6.7 per cent higher than for separate-title properties. Can you speak to why that is? You said that there were drops in valuations. How many properties saw their AUV drop this year?

Mr Steel: We will take that on notice, unless we have it to hand.

Mr McAuliffe: I think we will take that on notice.

Ms Dowdell: We will take that on notice.

THE CHAIR: The number of properties that saw a drop in the - - -

Ms Dowdell: Yes.

THE CHAIR: Thank you.

MR COCKS: And the fixed charge?

Mr Steel: There was an Assembly inquiry into the rates applied to unit-titled properties in 2018. So this has been looked at recently and there were some changes to the ratings as a result of work that had been done by Treasury at the time. That is what I was coming back with with the question on notice.

MS CARRICK: With an increase in the unimproved land value from the missing middle, allowing for greater development, is there any tipping point where the increase in value impacts affordable housing? In some areas, you might have an increase in the value of homes and in other areas the increase in supply might lead to a lower value of homes. I am trying to weigh up the affordability. We all want affordable housing, so how will the missing middle impact that, regarding supply and increasing values?

Mr Steel: I have not said that the missing middle would increase AVs. I want to be clear about that.

MS CARRICK: How will it not, though?

Mr Steel: It is broad-based reform.

MS CARRICK: But when you can put more on a block, is that not going to increase—

Mr Steel: Not on every block.

MS CARRICK: Well, pretty much.

Mr Steel: Virtually. RZ1 makes up a huge majority of blocks in Canberra. RZ2 is a smaller amount. There is a cause and effect there. The total rates take is determined by government; it is how it is apportioned.

MS CARRICK: Yes.

Mr Steel: The government is not taking more rates as a result of the missing middle housing reforms or other rezoning policies overall.

MS CARRICK: Okay, but—

Mr Steel: It is how it is apportioned; the valuation elements of the rates charges are about how it is apportioned. That is why, with a broad-based reform, we do not expect to see significant impacts—

MS CARRICK: Will it impact on how it is apportioned at all?

Mr Steel: Because it is applied to virtually every block.

MS CARRICK: When you do your rates calculation, some go up and some go down.

Mr Steel: If your block is an RZ1 block, from my understanding of the valuations—and I have recently used the new tool on the Revenue Office website to have a look—your house is generally valued with the blocks around yours that are similarly zoned. If the development rights are the same across the blocks, there is unlikely to be a significant effect from that kind of broad-based rezoning.

Targeted rezoning may have a potential impact on an individual block. But with the broad-based nature of the missing middle housing reforms, it gets up towards 80 per cent of residential blocks in Canberra. It is a massive—

MS CARRICK: It is just capped by the rates take, basically?

Mr Steel: It is apportioned based on the rates take, for the valuation component. But there is a fixed component to rates that is applied as well, which is obviously the same.

MR WERNER-GIBBINGS: Treasurer, you have mentioned in commentary about the budget that there are about 20,000 households that are better off due to the rates changes in this budget. How is this the case, and in which parts of Canberra are the households located?

Mr Steel: There is probably a combination of factors. There are properties in every budget that do not have as big an increase in their value or have seen a decline in their AUV, averaged over five years, so they will see lower rates.

Also, because of the decision that we have made in this budget to scrap the \$100 health fee for residential rate bills, that has seen quite a significant number of households that are better off as a result. Over 20,000—I think it was getting towards 26,000—actually had a rates bill that was lower. We will take that on notice, with respect to the specific number, and provide it to you.

We have cut taxes in this budget. We have cut the health levy. We have deferred the additional indexation for vehicle registration. We have provided targeted cost-of-living relief for those who needed it most. Recognising the pressure that is on households at the moment, we have been measured in the decisions that we have made in the budget in relation not only to revenue but to expenditure, and with the level of support we could provide to the community as well.

We have continued to ensure that we have enough revenue to support the delivery of services that really matter to the community, across health, education and community services. Of course, housing is a priority as well. There is significant investment in housing in the budget. We have been measured about the level of support we could provide in terms of expenditure and growth in expenditure. We think we have the balance right, but there is, of course, more work to do in future budgets as well.

MR BRADDOCK: Treasurer, I have a question about your response to the petition that I sponsored last year called “Divestment from the Economy of Genocide”. The government’s response stated that the Office of the United Nations High

Commissioner for Human Rights database “is not an appropriate tool for inclusion in the ACT’s responsible investment policy framework”. Treasurer, what did you mean by not being “an appropriate tool”? How is that figured out?

Mr Steel: I will invite Patrick McAuliffe to talk about that.

Mr McAuliffe: I have read the privilege statement and I understand it. Last year, when that topic came up, there was a report done by the Investment Advisory Board which was circulated, and which went into quite some detail, talking about how the current process that we have in place around having a consistent instruction methodology for determining our investment inclusions still remains the case. We use MSCI ESG research for that. Part of that process is based on the government policy. We have a whole lot of different screening rules and criteria in place for that, going from business activities, ESG risk and controversial norms. That screening criteria include excluding companies that have very severe controversy, and they come with a red-flag rating. That remains the current framework.

MR BRADDOCK: Am I correct in understanding that Morgan Stanley Capital International is the independent assessor under that ESG framework?

Mr McAuliffe: It is MSCI.

MR BRADDOCK: From Morgan Stanley’s ESG controversies and global norms methodology, they do not proactively identify companies operating or sourcing from such territories. By “territories”, I am referring to disputed territories, including the West Bank, Gaza Strip and East Jerusalem. Given this, why are we relying upon a company that is undertaking what you say is independent research in line with accepted international norms and conventions; however, they are not doing any proactive identification of the companies which may be involved in these territories.

Mr McAuliffe: We can take that on notice and come back with some more detail about the actual methodology, but they do consider all ESG and global issues in accordance with the framework.

Ms Dowdell: It goes to what information sources are available. They are updated on a regular basis, so we take into account a range of information—as Mr McAuliffe said, in such a way that we can make that cost effective and consistent, in using known sources.

MR BRADDOCK: Known sources like the United Nations High Commissioner for Human Rights would be a suitable source to be able to assess this matter?

Ms Dowdell: Yes, but I understand that part of the challenge is that there is no regular updating of that document. As we said in the response, it did update it in September 2025, but it does not have a regular cadence of updating, so the status of the report is one that we would need to consider alongside more regular reporting.

MR BRADDOCK: What sort of cadence are you looking for?

Ms Dowdell: As I understand it, the UN’s updating is ad hoc, so there is no clear

point to know when it is being reviewed. It is one factor that we would need to take into account as to how we would trade that off against the other information sources, like the MSCI, which is more regularly updated.

Mr McAuliffe: It is how we integrate that information into the development and construction of the actual—

Ms Dowdell: Portfolio.

Mr McAuliffe: portfolio itself. MSCI has two roles here. One of them is constructing the index. It is based on a broad set of rules as to how they develop a parent index; then they apply investment screening criteria, which come out of the ESG research data that is used to inform that construction. Taking other sources of information will not come up with that fully integrated solution.

MR BRADDOCK: You are telling me that you are preferring to take the information from the independent assessor, who is undertaking no proactive assessment in their regular assessments, versus the United Nations, who, I would assume, would be a bit more authoritative on this matter; it is just the irregularity of the reporting that is the issue?

Ms Dowdell: Mr Braddock, I am not questioning the validity of the information. We were explaining what information sources we need to be able to implement those decisions. There are some limitations of some of that information, and there are other sources that are available. We continue to keep that under review. In order to ensure that, as Mr McAuliffe said, we both have the information and can use that to inform the portfolio, the sources that we use are what is available at the moment.

MR BRADDOCK: Does the government accept that the Human Rights Act—the ACT version of 2004—applies to decisions concerning public investment and procurement made by ACT public authorities? If not, which provision of the act excludes those decisions?

Mr Steel: That is a legal question. We can take that on notice.

Ms Dowdell: On notice, yes.

MR BRADDOCK: Chair, I note that Mr Cocks had 15 minutes for his line of questioning, and I have had eight minutes.

THE CHAIR: Did he?

MR BRADDOCK: He did indeed. I have made a note of it.

THE CHAIR: Okay.

MR BRADDOCK: Treasurer, do you accept that investment and procurement decisions are constituent acts for the purposes of section 40B of the act?

Mr Steel: Again, I have already taken that on notice, on the broader question.

MR BRADDOCK: Also, in your response to the petition, you say that this matter should be referred to the commonwealth, as the state party to international human rights conventions. Is it the ACT government's position that the Human Rights Act only applies where the ACT itself is the treaty state party?

Mr Steel: I am not the Minister for Human Rights, so—

Ms Dowdell: We will have to take that on notice.

Mr Steel: Yes, we will take that on notice and see what information we can provide.

MR BRADDOCK: Okay. Would you accept, though, that we need to consider human rights when we are considering investment decisions that we are making on behalf of Canberrans?

Mr Steel: But we do have an ESG framework that is applied.

MR BRADDOCK: Should the Human Rights Act be part of that ESG framework?

Mr Steel: We do have an ESG framework that takes into account a range of different factors when making investment decisions. That provides a consistent basis for investment in equities and a range of other investments.

MR BRADDOCK: If the ESG framework does not exclude companies complicit in a genocide then what kind of ESG policy is it?

Mr Steel: It is a consistent one. The concern that has arisen in relation to those matters, which we have properly considered and fully responded to previously, is that it does not provide enough certainty for a small government to make investment decisions on a consistent basis. We do not have a team in Treasury—it is a relatively small team in Treasury overall—to be able to go in and evaluate every single company, within the team here, and the response that that company has provided to being listed, addressing the issues that were raised by the UN, for example, and make a decision on whether we agree with their response or not in relation to being placed on the list. We have external consultants that we work with, in relation to the investments that are being made, under a consistent framework that is used by governments and companies around the world.

MR BRADDOCK: Why doesn't that external independent assessor utilise the United Nations as a valid source of information on something for which they have a higher level of expectation?

Mr Steel: Precisely for the reasons that we have articulated—that it is not necessarily a regularly updated set of information. There are, of course, different views on it as well. I know you have one particular view about that, and we have responded fully to the petitioners through a response to the petition. I refer you to that response.

MR BRADDOCK: I am just of the view that it would be ethical not to invest in companies that are complicit in genocide. Thank you, Chair.

THE CHAIR: Just to clarify, I go by the number of questions, not the time. Sometimes it takes longer for the minister to answer the questions. We will go to Mr Werner-Gibbings.

MR WERNER-GIBBINGS: Treasurer, next week I have to do a census. There are ongoing conversations, both from the budget and in other conversations, about a fair share of commonwealth investment. The census coming up next week will provide an updated understanding of the ACT's population. How much does the government expect the population to change through the census, based on the government's projections?

Mr Steel: I will hand over to Mr Roberts to provide a bit of information about that. We have been quite conservative in the forecasts. Obviously, we will await the census results, which are expected next year, to fully understand what the impact is. We have a range of data sources in the ACT government that give us some indication about the level of population that we have. It has been relatively stable over time, and that has helped with the forecasts that have been made by Treasury. I will hand over to Mr Roberts to provide some further information.

Mr Roberts: I have read and understood the privilege statement. There is a contrast between what the commonwealth expects the ACT population to be over the forward estimates and what the ACT expects. Essentially, the commonwealth does not take into account a systemic undercount of the ACT's population. I think many of you will be aware that, each census, there is a re-basing of our population, and it is always a re-basing in the upward direction; that is, they have underestimated the resident population in the intervening period by the ABS on a number of occasions.

More recently, the ACT advocated for an improvement in the methodology for estimating our resident population, and that resulted in a lift of about 4½ thousand people from that mid-census methodology update. Coming into census, we expect that there will still be an underestimate from the ABS, and that the census will find a similar size of that mid-census outcome.

We have come up with that number by looking at a number of different sources. One of those sources is our own administrative data, where we look at driver licences, for example, so that we can see the numbers of drivers that are flowing into the ACT versus the number of driver licences that are flowing out. Based on historical mapping and updated ABS data, we expect that there is still an undercount, despite the ABS's efforts to improve that methodology and, come census, we expect there to be a lift in the population of a similar size.

MR WERNER-GIBBINGS: What will the impacts be?

Mr Roberts: The ACT's share of the Australian population is very important for distributing what we call other-source revenue—payments from the commonwealth, such as GST or comm-state agreements. If the ACT's population lifts relative to other jurisdictions, we would expect that our share of commonwealth payments would also increase.

MR WERNER-GIBBINGS: An undercount is expected; what are the next steps to address that? What happens then?

Mr Roberts: We have been engaging with the commonwealth on a regular basis, both at the working officer level and at the ministerial level. There has been an undertaking by the commonwealth government that—and this is usual practice—following each census, there is a review of the sources that are used to estimate the population leading into census. Given that they have implemented a new methodology, they want to review that post census. There will be an examination to see how it has worked against what the actual census result is. There is an undertaking to complete that review together.

MR COCKS: Treasurer, you have made the fairly impressive claim in this hearing that the government has cut taxes. That would be a fairly misleading description of the budget overall, wouldn't it?

Mr Steel: No, given that we have completely abolished stamp duty forever for first homebuyers, for pensioners, for NDIS participants, and for people buying a unit off the plan or as a turnkey unit. It is a substantial reform, and one that has been lauded nationally. It has been seen as the benchmark for other states and territories in moving away from inefficient and volatile taxes like stamp duty. There is also the work that we have done in the budget, which we have talked about, in abolishing the health levy.

MR COCKS: Minister, let me go through a few things, and you can tell me if I have got something wrong here. The general rates policy sees additional revenue of roughly \$120 million, higher motor vehicle duty, \$19.2 million, a higher police, fire emergency services levy, \$13.65 million, a higher safer families levy, \$6.1 million, a higher short-term rental levy, \$6.6 million, and a higher utilities network facilities tax, \$1.8 million. If we go to what you have been suggesting is a tax cut around residential rates, residential rates actually increase by roughly eight per cent, if we put aside all levies. How can you, with a straight face, claim that this is a budget that cuts taxes?

Mr Steel: Because we have cut stamp duty, we have cut the health levy, and we have deferred a decision around additional indexation on motor vehicle registration, at the same time as we are making sure that we have revenue to be able to fund the services and infrastructure that Canberrans need. We have been clear, in releasing this budget and in the hearing today, that we have had to make balanced decisions to be able to support our community, while recognising the pressure that households and businesses are under at the moment.

I have an answer to the earlier question, around the number of households with a fall in total rates, which is 27,574. Those households are benefiting from our decision to cut the health levy, as well as other effects that we were talking about with the rates system. We will continue to look at ways that we can support households and businesses, whilst at the same time supporting the services and infrastructure that they also rely on and expect the government to deliver.

MR COCKS: Treasurer, 27,000 households, you say, will pay less under this year's—

Mr Steel: Rates bills.

MR COCKS: Okay. But the average residential rates bill still rises by about \$172, and well over 170,000 residential properties will pay more. Meanwhile, there are increases in rates bills, for example, in—

Mr Steel: Do you have a question or just a—

MR COCKS: Yarralumla, of 17 per cent for units. Those households are not paying less. They have not received an overall tax cut, have they, and nor have the businesses who have been absorbed by your broadening of the base of payroll tax?

Mr Steel: They will not be paying the health levy and, as we have said before, our rates system is very progressive. Yes, in higher value suburbs like Yarralumla—probably a poor pick by you in terms of the example—they do pay more compared to suburbs where the value of the land is less, and that is exactly how the system should work.

MR COCKS: Maybe I should have picked somewhere like Chisholm, with 13 per cent. Minister, as a final question, wouldn't it be more accurate, given the overall tax take is considerably higher, to describe this as a shifting of the tax burden?

Mr Steel: I did not say that. I said we have cut taxes in this budget, which we have.

MS CARRICK: Minister, this is a question about youth. If you were a 20-year-old Canberran today, would you be comfortable with inheriting the territory's projected debt and interest costs? Why would you be happy about that?

Mr Steel: It is obviously a hypothetical question. I am not 20. I wish I was; I am double that number, unfortunately, almost exactly. The investments that we are making in infrastructure benefit generations to come. The investments that we make now do matter for the generation that will be using our hospitals. They have used our schools, and they are probably going into higher levels of education. They might benefit from the investment that we are making in our vocational education and training system, and the investment that we made in infrastructure like the CIT.

They might also benefit from the investment we have made in this budget to cut stamp duty. If they want to purchase their first home, first homebuyers will benefit from that, as a result of the decision that we have made. They might also benefit from some of the community services organisations that we have funded in this budget, to respond to demand. If that person is experiencing homelessness, they may be able to access services because of the investment we have made in the budget to provide extra support for people who are doing it tough, through the targeted measures that we have made.

They will also benefit from the fact that our budget continues to improve, and that we are projecting a budget cash operating surplus this year, which will help us to fund more of our future infrastructure program from cash, as well as borrowings, and our projected return back to balance and surplus in the future. All the time, when we have not been making massive job cuts, which might have affected employment prospects

for a young person, and had a broader impact on the economy, we have been balanced and measured in the decisions that we have made.

If they are a motorist, we have supported them through the funding that we provided to help cut the fuel excise, to make sure that we could smooth out the effects of elevated fuel prices as a result of the war in the Middle East. There has been a whole range of different things that we have done to support people in this budget, and that will continue.

MS CARRICK: How does the government assess whether it is fair for future taxpayers to pay for today's spending decisions, and what limits exist to prevent the transfer of unreasonable cost to the next generation?

Mr Steel: We have shown through the budget, in the decisions that we have made, that we have had an eye to making sure that we have more of a level playing field for young people. The biggest cost that people face is the cost of housing. We have shown through this budget, through the direct investment in housing, the decisions we have made on stamp duty and on supporting planning reform, that we are really serious about that. It complements the federal government's decision to level the playing field for first-time buyers over investors. We support that, and we have tried to complement it through our measures in the ACT budget. That is about supporting young people to get their first step on the housing ladder, which is the most significant investment that people will make in their lives.

On the housing supply question, we are tackling that head-on, in every single way possible, to try and make sure that there is the supply of housing, which does affect overall housing prices over time, and we are making more affordable options available for people that need it. Yes, it is in the front of our mind when we are making decisions. I think we have shown that in the budget.

MS CARRICK: What assurance can you give young Canberrans that rising debt and interest costs will not limit their ability to invest in things that their generation will need?

Mr Steel: We are investing right now in things that their generation will need, because they cannot wait. Because the assets have reached end of life, we need to replace them, plus build more to support the growing population, which includes people who—

MS CARRICK: The question was about future generations—their decisions to invest, not your investment. The question was about the ability of future governments to invest in the things that their—

Mr Steel: The infrastructure that we are investing in is generational infrastructure. It will be used by future generations, so we are—

MS CARRICK: Will they have the headroom to make decisions themselves?

Mr Steel: We are investing now to support them. There is a time cost of money, there is cost escalation over time, with infrastructure projects, and we are investing now so

that they can get the benefit, as well as the broader community now, of those infrastructure projects. It is important that we invest in building the new hospital expansion in Woden, and the investment that we have made in the budget for the new north-side hospital. It will take some years to deliver the north-side hospital, but it is important for the future capacity of our healthcare system, and to replace ageing facilities that are coming to end-of-life. We cannot wait to do that. All we would be doing—

MS CARRICK: You have not quite answered the question.

Mr Steel: But all we would be doing, Ms Carrick, is pushing that investment decision back, potentially at a greater cost, and future generations would have to make the same investment decision to invest in the new hospital, probably at a larger cost. We are going to build it now, and we are going to get on with it, because we are serious about investing in generational infrastructure. But we have made sure through the budget that the decisions that we have made are balanced, and the overall program has been shaped in a sustainable way, based on tightened budget rules and fiscal discipline. I think we have shown that in the budget. We have reduced the forecast for net debt levels over the next two years compared to the last budget, as a result of the decisions that we have made in this budget.

MS CARRICK: Minister, I will put it on notice. You did not answer the question, so I will put it on notice.

Mr Steel: You can do that, but I have answered the question. We will always have a view to that. But failure to invest now is not necessarily going to make it easier for people in the future.

MS CARRICK: The question had nothing to do with failing to invest now.

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*. The committee will now suspend the proceedings for a short break.

Hearing suspended from 2.44 to 2.55 pm

Appearances:

Barr, Mr Andrew, Chief Minister, Minister for Trade, Investment and the Knowledge Economy, Minister for Tourism and Events, and Minister for Major Projects

Chief Minister, Treasury and Economic Development Directorate

Campbell, Mr Russ, Acting Head of Service and Director-General

Wright, Mr Robert, Deputy Director-General, Office of Industrial Relations and Workforce Strategy

Metcalf AO, Mr Andrew, ACT Public Sector Standards Commissioner

Thompson, Ms Christina, Executive Branch Manager, Professional Standards Unit

Environment, Planning and Policy, City and Environment Directorate

Engle, Mr Sam, Deputy Director-General, Environment, Planning and Policy

Davey, Mr Adam, Chief Executive Officer, Suburban Land Agency

Infrastructure Canberra

Haraldson, Mr Anthony, Acting Deputy Director-General

Khan, Mr Faheem, Executive Group Manager, Delivery, Places and Spaces

THE CHAIR: We welcome Mr Andrew Barr as Chief Minister and Minister for Major Projects and officials. Please note that as witnesses you are protected by parliamentary privilege and bound by its obligations. You must tell the truth, as giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. As we are not providing opening statements, we will now proceed to questions, and I hand the first lot to Mr Parton.

MR PARTON: I wanted to start, if I could, on the business sector for a moment and small business in particular. The recent Canberra Business Chamber survey stated:

The clearest priority is relief from taxes, rates, payroll tax, fees, rent, insurance, utilities, and other operating costs. Respondents also want simpler and more stable regulation, more accountable and consultative government, and procurement rules that give local SMEs a fairer chance to win public work.

The Canberra Business Chamber also indicated that business confidence was declining by a sizeable percentage—34 per cent—expecting a shrinkage in the next 12 months, and that a cost-of-doing-business crisis prevailed. Can I ask, Chief Minister: how often do you engage with business on the concerns that they have with operating in the ACT?

Mr Barr: At least quarterly; although obviously there are a number of different representative groups who I will engage with, so principally through the chamber, MBA, Property Council and the tourism forum that David Marshall convenes. I have had a number of meetings and spoken at their events. Across all of them, probably at least half a dozen times a year.

MR PARTON: Is it difficult to do the incidental one-on-one business visits in terms of—I don't know. People are doing it tough and they have got to blame someone. It is a fact of life that you are an easy target for them to blame. Is it difficult to get out and do the incidental one-on-ones?

Mr Barr: I would do, across the businesses that I frequent as a customer and those that I know through various networks, probably half a dozen a week where I would have conversations across a number of different sectors. Can I do that every day? No, obviously not.

MR PARTON: Can I ask: what measures have you taken to ensure that the so-called Secure Local Jobs Code results in more local business and therefore more local jobs?

Mr Barr: Obviously, the code intersects with local procurement guidelines that are within the acceptable remits of the Australian Constitution, and our free trade agreements ensure that criteria for procurement do allow for an enhancement for local suppliers. We are, of course, governed by the section of the Australian Constitution that says trade must be free between all Australian states and territories, so you cannot exclude external non-ACT providers from competing for work in ACT government contracts. Equally, many of our free trade agreements that are struck at a national level, which provide opportunities for ACT firms to win business overseas, equally allow for international companies to also compete for ACT government work. The Secure Local Jobs Code is part of that but not the sole part of the procurement framework. Of course, much of this does not sit in my portfolio. It sits with—

MR PARTON: And I get that. I also get that some of it does sit in your portfolio, and also you are the first minister.

Mr Barr: Sure. I am answering the questions.

MR PARTON: You are. I just get this sense that when there is a code in place that is called the Secure Local Jobs Code there is an expectation out there in suburbia that the Secure Local Jobs Code will actually bring more local jobs, and it is not really, is it?

Mr Barr: As I said, it is not the sole instrument that would achieve that outcome. I think there is a strong element in the title around “secure” being security of payment. This particular issue that it does seek to address relates to subcontractors who have, prior to its existence, found that they miss out when certain things go awry. So having a regulatory system that ensures that subcontractors’ payments are met is an important part of that code.

MR PARTON: Just in closing, if I could, on this line of questioning, Chief Minister, we know that you love to build our international relationships and improve our economic development in that space. Have the international trips been a suboptimal use of ratepayer funds given the Canberra Business Chamber’s recent comments that we are in a cost-of-doing-business crisis?

Mr Barr: I do not believe so given the relatively low cost and the return for the Canberra exporters, Canberra higher education institutions. Just to put some dollar figures on it, each international student who studies in Canberra generates roughly \$50,000 of economic activity here in their tuition fees, their accommodation and living expenses and their spend in the economy—so one student, \$50,000 of economic benefit. I do not believe any trade mission has cost more than that, certainly

in terms of my involvement. One extra student, as higher education is our biggest export industry—one extra international tourist generates a spend that is five times that of a domestic tourist. There certainly is value in these areas as it relates to export capacity.

The ACT is not going to be the only jurisdiction in Australia that does not have a trade minister or a trade focus, so that is just not fair to the exporting businesses here. On a per capita basis in service exports—so not goods, but services—we are one of Australia's greatest per capita service exporters. So there are a lot of jobs, and it is tens of thousands of jobs out of the 270,000 in our economy, that are in internationally tradeable services.

I draw inspiration actually—it might interest you, Mr Parton—from a former New Zealand Prime Minister, John Key, who made the observation—and he was talking about the New Zealand economy, which is small—that no small economy grew wealthy buying and selling from itself. You must have external markets. But we also operate with our economic development programs in the Australian market as well in that we must sell to more than just 500,000 people inside the ACT. There are tens of thousands of students and people who come to Canberra every year who contribute to our economy. If it was not for our tourism base and our trade base, our retail and hospitality sectors would necessarily be smaller and less profitable than they are, even in hard times.

MR PARTON: Thank you.

MS CASTLEY: I understand the business chamber report is very similar to most years; we always hear that businesses are struggling with red tape. You talked about businesses that you frequent and talked to them about how business is going. I am wondering if any of those explain what that red tape and that level of government engagement and complexity look like. I tried to touch on a question this morning for just one venue who needs to apply for an outdoor event, and I understand it is Access Canberra. Is that the type of engagement you do get one on one?

Mr Barr: That can come up. They are at the intersection of commonwealth and territory regulatory requirements in certain business sectors. Others would have a particular focus on our local government responsibilities.

MS CASTLEY: They are the ones I am referring to.

Mr Barr: Some businesses that are above the payroll tax threshold will say they do not want to pay payroll tax. I get that feedback occasionally. Some do not believe, for example, that climate change is real and so do not want to pay more for energy and just want coal-fired power. I get that occasionally. You will get a spectrum of views and opinions.

MS CASTLEY: I am always happy to take you for a wander through my electorate if you need to take in some further views. More around people trying to apply for an event where they need security guards when they already have them and they need people to have additional things just because they are calling it an event, I am just wondering if you hear from those people about that added layer of impost.

Mr Barr: Insurance requirements often come up in relation to public liability and the cost of that.

MS CASTLEY: Do you think the government is addressing it appropriately to help those battlers? I am not talking about the big earners.

Mr Barr: Certainly brokering insurance—and that has just been the subject of a parliamentary inquiry, so it was an important thing. In some instances, as a result of a range of external factors—security related, sometimes climate related—they just cannot get insurance against particular risks. Increasingly the risk management around large-scale events—we have seen plenty of examples internationally where people use cars or other things as weapons to run people over. At large events that—

MS CASTLEY: I understand. But not for your average punter.

Mr Barr: They are factors. I guess I would consider that in the context of what I would consider to be mid-sized events. The Forage in Belconnen on the weekend had 10,000 people. It is not a 100,000-person event, but it is a big event. There is a range of things that they need to manage in order to stage an event like that, and there is food, health and safety, all of those things. I get that it is not easy.

MS CASTLEY: I would just leave you with the thought that the very small ones, like just one little event at a corner pub, now seem to have the same regulatory burden that larger ones do. I just would put that to you to consider that if you are down at your local pub and they have put on a special band or something, they are subject to very high regulation, like The Forage. I am just wondering if that balance is right.

Mr Barr: Sure. It is definitely one I can take up with the Minister for the Night-Time Economy.

MR EMERSON: On public interest disclosure issues and investigations, was the former Director-General of ACT Health Rebecca Cross ever investigated independently for potential misconduct?

Mr Campbell: I do not have current knowledge of that, but I can take that on notice.

Mr Barr: We will take that on notice for you.

MR EMERSON: Does anyone else have current knowledge of that?

Mr Campbell: No. We would need to take that on notice.

MR EMERSON: Perhaps for the Public Sector Standards Commissioner: what happens when the Public Sector Standards Commissioner is investigating someone or set to investigate them and they leave the service?

Mr Metcalfe: Sorry—Mr Emerson, could you repeat the question? I did not hear it as I was coming up.

MR EMERSON: What happens when the Public Sector Standards Commission is investigating someone or set to investigate them—a public official—and they leave the service?

Mr Metcalfe: Mr Emerson, I am going to ask my colleague to answer detailed questions like that. Ms Thompson.

Ms Thompson: Christina Thompson, Executive Branch Manager, Professional Standards Unit. I have read the privilege statement and abide by it. In that situation there are a number of options available to the Public Sector Standards Commissioner, one of which is to stay the matter pending someone's return to, or attempt to return to, the ACT public service; to discontinue the investigation; or to continue the investigation.

MR EMERSON: How often is it for an investigation to be stayed or discontinued as opposed to—how common is it?

Ms Thompson: In the event that somebody has already resigned, that does limit the option to continue the investigation. Sometimes the commissioner will make a decision to continue the investigation up to the point of securing all the evidence that may be lost, such as loss of memory or other witnesses leaving the service. If the matter is at a point where the respondent has not had an opportunity to have procedural fairness, which means seeing the full evidence disclosure and having an opportunity to respond to it, we cannot continue the investigation beyond that point. Sometimes we continue the investigation to secure the evidence and then stay it at that point. It varies on the matter as to how common it is.

MR EMERSON: Did the Public Sector Standards Commissioner ever become aware of a recommendation to investigate Ms Cross for misconduct?

Mr Metcalfe: We will need to take that on notice, Mr Emerson, firstly, to check, and, secondly, our normal practice is not to discuss cases publicly, so I will need to check on that as well.

MR EMERSON: With that question—

THE CHAIR: Sorry—are you taking it on notice or claiming privilege?

Mr Metcalfe: I have taken my response on notice, Chair.

MR EMERSON: But there is no ongoing investigation into Ms Cross though? That would not be a matter of concern?

Ms Thompson: No.

MR EMERSON: As part of that, if you could also please check if the Public Sector Standards Commissioner ever commenced an investigation into allegations made against Ms Cross. If you did or if you did not, was the Public Sector Standards Commissioner ever asked to delay commencing an investigation into Ms Cross, and if so by whom?

Mr Metcalfe: We will take all of that on notice, Mr Emerson.

MR EMERSON: How often does the Public Sector Standards Commissioner receive requests to pause investigations or stay investigations or not initiate investigations from within the public service?

Ms Thompson: In my experience, which is over the last five years, we have not had any undue influence over commencing an investigation. There is an existing process in the ACT public sector for preliminary assessments to be undertaken primarily as an initial assessment of a matter. The outcome of a preliminary assessment could include that it does not require investigation because the framework prefers a local management action over investigation wherever possible. If a preliminary assessment deems that investigation is not warranted, that the service can actually manage it through local management actions—say, a conversation between the manager or a more performance kind of discussion—it will not progress to investigation. But there has never been a request for us to not commence an investigation in the time that I have been there based on anything other than the outcome of a preliminary assessment, which we would not normally see, to be frank, and—

MR EMERSON: Sorry—can you explain that? This is a preliminary assessment taken from, say, a director-general or a head of service. Can you just explain that?

Ms Thompson: Of course. The preliminary assessment under the enterprise agreement envisages that the manager of the person about whom the allegations have been made, what we call the respondent, unless they have a conflict of interest, is normally the person that is preferred to undertake a preliminary assessment for them to determine whether they can handle it through a local management action or whether it requires more formal intervention or an investigation. When that occurs, it could be an everyday decision by a manager. I see somebody on the phone; I clock it. I decide I am not going to do anything about it now. I might have a discussion with them next time I am catching up. That would be a preliminary assessment. If I continue to see that, I raise it and if the person continues to be on their phone instead of working, that might be a more formal intervention. If after going through that, the behaviour continues and it could amount to misconduct, then it is more likely to be referred for investigation.

MR EMERSON: So you would not know about the existence of a preliminary investigation?

Ms Thompson: Not if it was not referred to the Public Sector Standards Commissioner. It is an everyday management decision generally.

MR EMERSON: You have said you are not aware of any examples of an investigation not being initiated properly or being paused for any reason at any point in time over the last five years?

Ms Thompson: No undue influence requests. There are occasions—

MR EMERSON: That was not my question though.

Ms Thompson: No. There are occasions where for wellbeing issues we might pause an investigation because somebody's mental health is such that there are risks to the person if the investigation were to continue. The directorate maintains wellbeing responsibility for the staff throughout the investigation, and so when they do wellbeing checks with their staff members, sometimes they can provide us feedback that the person is currently in a fragile situation. Being investigated is obviously a very confronting experience for people, and that can cause people to have some stressful periods.

MR EMERSON: So an investigation could be halted because someone being investigated is having mental health challenges?

Ms Thompson: Yes. Usually they would then be on what we call personal leave, so they may pause during a personal leave. We do not actually pause the investigation at that point if there are other activities we can do such as interviewing other witnesses or gathering other evidence, but if there are no other active occasions that we can do or we can undertake and we are waiting for that person to come back, then we might pause the matter during that period.

MR EMERSON: I am piecing things together. I am a senior official. I am investigated for misconduct, or I might be. I have a mental health breakdown of some kind—probably fair enough; I am about to be investigated as a senior official. I know that the Public Sector Standards Commissioner may stay the investigation or halt it completely if I leave the service, and I also know they might pause the investigation because of my mental health, because of my mental wellbeing. How do you keep me, as the person in that situation, from seeking a voluntary redundancy, trying to get out of the service in time for the investigation not to occur, using my mental challenges as the reason to not investigate in the meantime?

Ms Thompson: That would be a matter for the directorate. We do not get involved in those kinds of decisions, so the commissioner does not currently have a role in being consulted on people seeking voluntary redundancies.

MR EMERSON: In that question on notice we discussed before pausing, suspending or otherwise not proceeding with an investigation. Could you please also include the examples where it was because of the mental health of the person who was being investigated or may have been investigated in that question taken on notice and provide examples from the last, say, five years where that has occurred?

Mr Metcalfe: We will do our best.

MR EMERSON: Did Ms Cross take a voluntary redundancy on leaving the service?

Mr Campbell: We will have to take these questions on notice.

MR EMERSON: Can you check how much that cost the territory if she did? And how many senior executives have taken voluntary redundancies in the last five years while being investigated or considered for investigation by the Public Sector Standards Commissioner?

Mr Campbell: Yes.

MR EMERSON: Just finally, in an earlier hearing on the same topics as this hearing I asked questions about how the Public Interest Disclosure Act works. I was not able to get a clear answer on when someone makes what you would deem a public interest disclosure but does not describe it as such and which does not make its way to the Integrity Commission through the appropriate pathways to be deemed as such. Do you have confidence about the level of understanding across the public service of the Public Interest Disclosure Act, given I was not able to get an answer during the hearing about how something would be described as a public interest disclosure under those circumstances?

Mr Metcalfe: I might get Ms Thompson to add to what I say, Mr Emerson, but, as a general observation, I have confidence that appropriate senior executives are well aware of their obligations broadly in relation to integrity matters, and there is a lot of information and communication. However, I see it very much as part of my role to help with greater understanding, particularly of the role of the Public Sector Standards Commissioner. Our role in relation to public interest disclosures is very limited. That is largely an issue for the Integrity Commission and the individual directorates, but we had seen that earlier exchange, and we were happy to say what we can this afternoon in relation to that, so I will ask Ms Thompson to assist.

Ms Thompson: I think the ACT is a complex jurisdiction in terms of having quite a number of complaints bodies. It does become more difficult for people to understand where to go for which type of complaint that they are handling. I think we are doing our best at the moment to map some flowcharts for people to assist with that, so there is always room for more education and understanding about those processes.

Prior to the PID Act going to the Integrity Commission, I think there were on average around 10 disclosures made per year that the team were aware of, and I think since then the Integrity Commission recently said that they had 20 in this past year, so there are not a huge number of matters that are actually addressed as that. But, Mr Emerson, you rightly pointed out that just because somebody does not claim it as a PID does not mean it should not be considered as a PID. I think every complaint that comes to attention should be considered for whether it meets that definition.

MR EMERSON: I just want to put in with the questions on notice if it is okay. Thank you for that explanation. I have been asking questions about—I understand it has been taken on notice—that an external investigation occurred and recommended allegations be investigated as misconduct by the Public Sector Standards Commissioner, and then a senior official wrote asking for that to be paused for three months due to welfare concerns, as you have signalled might be a possibility, and during that period Ms Cross took a voluntary redundancy. Are you able to correct the record if I have got any of those facts wrong in the question you take on notice? Or in fact why don't I just ask: do you think that is correct?

Mr Metcalfe: We will take that on notice.

MR BRADDOCK: Just a question in terms of: how do you protect the ACT public

service where someone does separate mid Public Service Standards Commission process but then at some point down the track looks to reapply to join the public service? How do you ensure that that is monitored and appropriate management decisions are made at that reapplication point?

Ms Thompson: That is a good question, because I think there are a number of things that are in place at the moment and more that are coming. There is a protective security framework at the moment, on which we are engaging with the team running that to streamline how people attempting to re-enter the service might be captured. At the moment people, when they exit the service while a misconduct matter is afoot—the commissioner does write to them to say that should they attempt to re-enter the misconduct might be—not might—it would be recommenced at that point. Then there are checks upon people who apply, but there are some difficulties with people changing names and birth dates.

Mr Metcalfe: But any applicant would be normally obliged to provide a record of previous employment and service. Those sorts of checks or referee checks should reveal that if it is actively hidden and the person were to be reappointed because the checks did not marry up, then that of course is a misconduct issue in itself.

Ms Thompson: Part of the application process actually asks a number of direct questions about whether they have been subject to an investigation, a misconduct process, even an Integrity Commission process.

MR BRADDOCK: We saw the shortfalls in that form with CIT.

MR PARTON: Can I just ask: has there ever been a case, or would it even be possible, in a scenario whereby the Public Sector Standards Commissioner was investigating a public servant and that public servant left the ACTPS, in the event that that investigation continued—as you have outlined in evidence in this hearing—and delivered an extremely negative outcome, would it be possible to retrospectively terminate the employment of that public servant as a consequence of those findings?

Ms Thompson: I think that would be more a question for the directorate.

Mr Metcalfe: We have taken that question on notice, Mr Parton, so it is imminent.

MR PARTON: I just thought I would ask it in every place.

MS CARRICK: If the directorate advises you that there is nothing to see here, how do you assure yourself that that is the right advice?

Mr Metcalfe: Leaving aside individual cases, it is likely an educative and communications role. Something I am currently involved with is meeting with many, many senior colleagues. We were with Infrastructure Canberra this morning, for example, talking about roles, obligations and whatever. There is a key position in the directorates called the senior executive responsible for business integrity risk, the SERBIR, and effectively within each of the directorates they have the responsibility to ensure that standards are being maintained and upheld. I have no reason to believe that anything other than the overwhelming majority of ACT public servants act with

integrity and that, should there be concerns or issues, they are well and truly followed up.

However, because of the role that my position has separate to the directorates, we are doing more to try and understand what is going on through engaging with those directorates. In relation to a very specific case I cannot give you an answer. But, generally, I think there is a strong understanding that integrity matters, that trust matters, that honesty matter, that the code of conduct matters and that people take it seriously.

Finally, Ms Carrick, we are in the process of reissuing the code of conduct, which brings together the relevant materials under the Public Sector Management Act. We are in the final stages of writing that, to try and make it simpler and try and make it more understandable. As Ms Thompson says, this can be a pretty complicated area as to where to go and what to do, and we are trying to use that to really ensure that people do understand where to go, to make sure that, if they go somewhere and it is the wrong place, there is no wrong door and that they are referred to the right place, and that people know about roles, responsibilities and obligations.

MS CARRICK: Do you ever review the directorate's advice to you to ensure that it is right—that they have not missed some misconduct or maladministration? Is there any follow-up ever to just check?

Ms Thompson: Yes. If a matter is raised directly with the Public Sector Standards Commissioner where somebody has a concern continuing beyond the intervention by the directorate, we write to the directorate and ask for information and answers to questions to assist the commissioner in being satisfied with how it was handled or asking further questions.

MS CLAY: What standard process do we have in the ACT government to make sure that we are not recruiting people who have misconduct findings under investigation or findings against them?

Ms Thompson: Like I answered before, we are engaging with the protective security framework team to include the PSU in processes of on-boarding people so that we can actually do a check of our own records when we have stayed a matter. But, in relation to the broader recruitment processes, I think that would be best answered by the directorate.

MS CLAY: And probably not necessarily ACT public service misconduct findings or investigations. When we pick up a public servant from somebody else, I think it would be extremely useful if we know if they are under investigation.

Mr Metcalfe: Again, there is that obligation in the recruitment process for people to disclose their previous employment record. It is made very clear—the directorate colleagues here could probably amplify this—that this is a critical aspect in recruitment. If someone very deliberately seeks to alter their history, their past and whatever, people can get away with a lot, but usually that would be found out in some way. If a person fails to disclose when they should, that should be picked up through proper processes.

MS CLAY: Chief Minister, maybe to take on notice: what I am looking for is whether we have a standard thing across the board that requires people to disclose so that, if they lie, we have an easy way to no longer employ them?

Mr Wright: Someone who is applying to join the SES is required to complete a declaration of private interests and identify any potential, actual or perceived conflict of interest, alongside their contract of employment, and that record is maintained. The requirement to provide a declaration before the engagement begins is outlined in section 46 of the Public Sector Management Standards.

MS CLAY: Only SES though.

Mr Metcalf: That is a specific thing required for SES officers. All public servants who come in as part of the recruitment process have to declare whether they have been the subject of, for example, an investigation. The DPI is on top of that.

MS CLAY: Thank you. Chief Minister, I would love to chat about some of our infrastructure—starting with Kingston Arts Precinct. It has been on the books since 1999. There was a \$78 million construction contract ordered to Geocon in 2019 and then the government dropped Geocon in 2021. It was rescoped and it was given to the SLA. It was put to market in a design-base tender closing in October 2026 and now it is being delayed. Can you run me through it? I understand we are getting the car park and the commercial and housing developments in the first round. It is looking a lot like it. I am struggling to understand how this is an arts precinct and not a commercial and housing development that we have on the books now.

Mr Barr: While officials join and they can take you through the journey a little more, the precinct sits within a broader area and the current land use is predominantly surface car parks. Whatever order of development is undertaken, addressing structured car parking had to be part of any solution there or else we would be having a different conversation, I imagine, maybe with different members of the committee demanding why I have not taken into account car parking management and the impact on surrounding local businesses.

It is clear that the total package for the precinct had to include structured car parking. It was also clear that there was an opportunity to address some of the housing issues and it was also clear that the market capacity, given the Geocon experience and where we are at with a number of other major projects rights at the moment, was not there to do everything all at once. Then, faced with the question of how best to stage the development, it was quite clear that the process and the direction that we have taken will endeavour to manage the transition and construction period as it relates to car parking access, because a lot of customers for the entire Kingston foreshore use that car park at the moment. That is critical.

We also need to manage available capital works fund. This presented an opportunity for car parking and housing components, that were always going to be part of the precinct, to be delivered. Obviously, the Infrastructure Canberra team are working on other elements of the precinct and the SLA have begun the process in relation to the land release. They are the headlines. Who would like to—

MS CLAY: That is probably enough on the headlines. This is part of the \$700 million of savings. Is that the correct—

Mr Barr: No, deferrals.

MS CLAY: Can you run me through how this will save Canberrans money if it is being delayed? This is project that has been 27 years coming that is now proceeding without the main elements, and we do not yet have a timeline on when the actual arts elements go ahead. What is the cost increase in delaying this and when will we get it? If we cannot do this now, what was the rationale in saying, “We will defer it,” not, “We will cancel it and reprioritise, “We will go ahead with it now”?

Mr Barr: I do not want to be argumentative but the 27-year thing I do not think is fair. It does not reflect the reality of the Glassworks, the Fitters Workshop, Megalo moving in and the work that has been undertaken on the former Transport Depot. So, to suggest there are no arts facilities in the precinct, I am not sure, but—

MS CLAY: I did not suggest that; I just said that this has been a long time in coming.

Mr Barr: I understand. I am must wanting to, I guess, respond to the suggestion that nothing has happened for arts facilities in 27 years. I just do not think that that is a fair assessment. The next question relates to sequencing of infrastructure works, the approach to market and the different capacity across the construction and infrastructure sector to deliver particular projects. You then sort of go to lean upon a time value of money equation, which we touched upon in the hearings previously. Yes, there is a construction escalation factor that undoubtedly will apply. The quantum of that on an annual basis for this type of infrastructure will be different from other infrastructure types depending, of course, on the mix of materials, labour costs and, for example, which infrastructure skill sets are required. So, again, things that involve electricians at the moment are very expensive and things that involve imported materials are very expensive.

MS CLAY: Sure. Is it possible to get some specific numbers or to hear that that has been modelled?

Mr Barr: Sure.

MS CLAY: It was originally a \$78 million contract. I do not know if it is still a \$78 million contract. We do not know how long it has been deferred. Is it until 2030 or 2040? Is it now going to be a \$100 million contract or a \$300 million contract? I am assuming all of that work must have been done. Can we get any information on the time and the—

Mr Barr: I do not think I can do that verbally in the detail that you are looking for.

MS CLAY: Sure; on notice would be fine.

Mr Barr: But I guess there are some points that are worth making. Yes, there is a time value of money in the construction escalation. Also, on the revenue side of the

budget, inflation also grows the revenue side. So it is not just a straightforward assessment that everything will cost more in the future and, therefore, we must do everything now. Approaching the market for different types of projects at different points in an infrastructure cycle and noting not just what we have as part of our infrastructure offering but also what is happening basically on the eastern seaboard of Australia is another fact that is relevant for us.

Then there is a question simply of deliverability and prioritisation. some of which is a political decision. Do we prioritise the north-side hospital over the Kingston Arts Precinct? Yes, we have, undoubtedly—and I guess I and my colleagues wear that political judgement call. But, in this instance, we want to progress the project, we want to get a stage of it delivered—a stage that provides car parking and accommodation; all of which were always going to be part of the project. Infrastructure Canberra are undertaking work at the moment, and they may be in a position to talk about that to some extent.

MS CLAY: I would love to hear some information on specifically the modelling or have that taken on notice.

Mr Barr: We will take that question on notice.

MS CLAY: That would be great. I have had some approaches by people wondering why we did not get the First Nations arts elements in first and why we are leading with the car park and commercial elements, for instance. Was that one of the considerations?

Mr Barr: We have a need to address car parking and a need to address housing. They are very high priorities. We also have to manage the cashflow of the project. That is also a factor. There is a revenue component that comes from a land sale. The project has to be paid for somehow. It is not going to attract a significant federal government contribution, other than through the housing element. We have had this conversation many times about needing to go forward with things that might attract co-funding. So there is another factor that I would point out. But maybe it will be easier to address the substantive issue in writing, because I do not know that, even at this level of detail—and I could talk about it for the next 20 minutes—it is going to satisfy your appetite for detail.

MS CLAY: I would love to hear it, but my colleagues may not. I have one last question, which can be taken on notice. Can you tell me which organisations you consulted with in the arts world and the First Nations world and which unions and organisations you consulted with when making these decisions to defer this project? Can we get that taken on notice.

Mr Barr: Sure. We can do that, yes.

MS CLAY: Thank you.

MR PARTON: Chief Minister, at the risk of giving more grief to me than to you—

Mr Barr: Which is rarely an introduction before an estimate's question—so I am now

intrigued, Mr Parton.

MR PARTON: I want to talk about the ACT public service for a moment and how it has changed over the years. Back in 2019-2020, the total FTE was 23,000.

Mr Barr: Yes.

MR PARTON: While this budget expects 30,700, which is an increase of about 7,600 or 33 per cent since 1920, in the same period, employee expenses have gone from just over \$3 billion to \$5 billion. If I am reading the budget statements correctly, this is an increase of almost \$2 billion or 65 per cent for that period since 1920. Of course, some of the dollar change will reflect salary and wages increases. I do not doubt for one moment that our great public service is doing an excellent job. I think we are all in agreeance of that. But with numbers increasing by a third and employee costs by almost two-thirds, how much do you invest annually in the public service to improve its capability and productivity? I know that in itself is a relatively broad question, but that is my first question.

Mr Barr: All right. I think it is worth advising the committee of some of the factors that have driven the increase in the FTE numbers. The single-largest decision, obviously, was bringing Calvary Hospital into Canberra Health Services. That is more than 2,000. So about a third of the increase that you outlined there is in that single decision. There has also been a considerable amount of insourcing of previously outsourced cleaning roles as well as a number of other contracted-out work that has been brought into the public sector. They are, in fact, the major drivers of the increase in FTE.

There is also population growth and expansion of services. There are a number of public sector agencies for whom their headcount is driven by demand. So the next biggest workforce is education. For every 21 students that enrol, there is another teacher plus all of the associated administrative and other support staff that go there. The biggest increases in staff have occurred in health and education. We also have employed more bus drivers, more ambulance officers and more staff in all of those service delivery areas. That is just to set the scene and to explain those increases. Population growth is another factor, obviously. There would be 70,000 more Canberrans. The city would be 20 per cent bigger than it was a decade ago, roughly. So that is a factor. Your very last question was around productivity and—

MR PARTON: Improvements in capability and productivity.

Mr Barr: Certainly there is a lot of work around the digitisation of government services and we have, clearly, a massive transformation occurring in relation to artificial intelligence. That impacts on some parts of the ACT public sector much more than others.

MR PARTON: When you say “impacts”, surely it in itself has the ability to deliver increased productivity.

Mr Barr: Yes; I would imagine it is possibly the greatest opportunity for our existing workforce of over 30,000 people to deliver more for the community in some areas.

But AI is not going to drive a bus or put out a fire. AI is not going to be able to provide critical health services. But there are ways in which that capability can augment or make people's jobs a little easier. There are other areas, undoubtedly, where AI's capacity to process data and information at a rate far greater than people can is undoubtedly a tension and a factor.

That said, AI is not perfect. It makes mistakes and it needs human oversight. My view of the technology is that it generally should not be replacing humans but it can certainly assist people to produce more output in the public sector. Perhaps an answer to what has been a perennial challenge for public services across Australia and around the world is: how do you produce more for your community with the same level of human resources? Technology appears to be the best pathway to be able to do more. Then, from a citizen's perspective, increasingly there is a demand for services to be provided 24/7. Humans need to sleep, but some activities can be conducted online at any point. Obviously the more we can do there, generally speaking, the better that is for citizens in terms of their ability to access government services.

MR PARTON: When it comes to the increase in the human resources, as was outlined in this question—because it is a 33 per cent increase since 1920—given the sizeable impact of the acquisition of Calvary and a significant round of insourcing, is it difficult to genuinely point to an increase in capability and productivity, given that those two things have played such a large role in the increase in the actual number of FTE?

Mr Barr: We were effectively paying those people with the same arrangements—in terms of same job, same pay arrangements—through the contracted outsourced model. Certainly the health area would argue very strongly that having one health system manager produces an efficiency as opposed to having multiple. I think there is also a social benefit overlay, particularly around the insourcing of cleaning work. To ensure that people who are conducting what is essential work for occupational health and safety—particularly in a health environment where infection control is very significant—have secure work, decent rates of pay and appropriate conditions is not only a health benefit and an economic benefit for them but also is really important social policy as well.

MR PARTON: You could argue, though, for that insourcing approach on so many different areas of employment that are currently provided by contractors. Let's all be honest here, Chief Minister: irrespective of any ideological or, dare I say it, union-based push for insourcing in some areas, is it difficult to fiscally stack that up when it comes to the actual expense and outcome? I am just asking in the most honest way that I can; it is not a gotcha question. I am just saying: is it difficult to stack that up?

Mr Barr: You would need to have a demonstrable public benefit, and that can take a number of different forms, including the welfare of the workforce itself.

MR PARTON: But it is going to cost you more, isn't it?

Mr Barr: In some instances it does. In others—

MR PARTON: In most, surely?

Mr Barr: I can think of other examples where we have moved away from contracted staff to in-house where you save money but it tends to be at perhaps the higher end of the spectrum. It is clear that salaried medical officers are cheaper than paying a significant amount for VMOs otherwise. In ICT, it has often been the case that, having in-house capability is cheaper than contracted-out arrangements. But, yes, at the other end of the spectrum, for amongst our lowest-paid workers, it is a combination of a social policy and an economic policy as well as trying to ensure that the government directorate has greater control over the services that it is procuring, effectively and it can do so, as it relates to cleaning in hospitals and schools, in a greater way by having those services in-house. There is a similar debate going on around public housing maintenance that you would be familiar with. You do not always get better outcomes from outsourcing, but it is also the case that sometimes insourcing costs more; that is true.

MR PARTON: And you are happy for the ratepayer to carry that?

Mr Barr: We have to make judgements on why you cannot insource everything at once and why every service that every advocate might want insourced could not be done all at once. I guess one of the advantages of insourcing is that you take away the profit of the middleman—the people who skim off the top of contracts.

MR PARTON: Can't have people making money, Chief Minister!

Mr Barr: That money goes to the workers then, doesn't it, in terms of better pay and conditions. So we make a value judgement, Mr Parton, around: if that money is going somewhere, should it go to the workers or should it go to outsourced private management? They are value judgments you have to make. Not every outsourced contract would be an above-premium management fee—that is also true—and there are some services where it is so specialised that public sector insourcing is just not going to be a viable option. But we have a process and we assess these things and we look at the fiscal implications.

So, to go to your original question: yes, we must take into account fiscal implications, but we have also got to take into account a range of other factors, all of which means that not everything is insourced. But it is not an argument to say nothing can be insourced simply because it might cost more. There would be other benefits that you need to factor in.

MR PARTON: Thank you, Comrade.

MR BRADDOCK: Multiple ministers, including yourself, have been referring to the term “frontline” but then struggle to be consistent in the definition of what a frontline public servant is in the government. Can I please clarify: how can you be sure that the extra 6,000 public servants are frontline, and what definition are you applying?

Mr Barr: My description, in answering Mr Parton's question, was to talk about areas of government that had grown and the reasons for those. Clearly, there are positions that are directly serving the community and have a direct and clear community service output. There are other positions that administratively support those who are undertaking that more direct interface with the community and there are roles that

might be considered more policy-focused that may have a less obvious link for the general public. We are able to, within some broad categories and occupation types, identify administrative staff versus those who have a specialised role in what I think almost would be universally understood to be frontline. If it is helpful, I can take on notice some examples.

MR BRADDOCK: Just one, Chief Minister: would you regard librarians as frontline?

Mr Barr: Predominantly, yes, I would have thought so.

MR BRADDOCK: Thank you.

MS CLAY: Chief Minister, I am interested in the Canberra Theatre.

Mr Barr: Good.

MS CLAY: Will it would cost around \$317 million?

Mr Barr: For this current works contract, yes.

MS CLAY: What is the total cost for the project—for Lyric and the whole project?

Mr Barr: It will be more than that. It will be over \$400 million once you take into account all of the preliminaries, the design, the early work and all of the procurement elements. We will take the exact number on notice. I think I have already provided that in answer to a question on notice from another Assembly member, but we will take that on notice for you.

MS CLAY: Thank you; that would be great. When that project was first proposed, when Lyric and that upgrade was first proposed—it is another one that has been on the books for a long time—what was the estimated cost at that point in time?

Mr Barr: It was certainly always going to be over \$250 million. So we put it in that category sitting between \$250 million and \$500 million in the infrastructure plan.

MS CLAY: Are you able to take on notice what the estimated value was when it was first proposed?

Mr Barr: I guess we can.

Mr Khan: Yes, we can take that on notice, if it assists. As the Chief Minister referenced before, the total project value—in response to a separate QON that was asked of us—was \$456.6 million.

MS CLAY: Thank you. Chief Minister, you often talk about the economic benefits that this will bring. Has the government released a value of how much economic—

Mr Barr: Yes, we have.

MS CLAY: And what is that?

Mr Khan: As part of the business case development work, significant economic analysis was undertaken with regards to the benefits of the project. We are happy to share and provide further advice and information.

MS CLAY: That would be great. Can I just check what advice you are going to provide to us? Is it the business case or—

Mr Khan: We are happy to share and provide information on the economic analysis from the business case that we are able to share that does not encumber in any way some of the commercial-in-confidence information that may be included there.

MS CLAY: That sounds great. How does the ACT government capture some of that value? I understand value going into the broader economy. Does the ACT government capture some of that value?

Mr Barr: As in revenue to the territory?

MS CLAY: Presumably, there would be a number of ways you could capture that value. I am just interested in knowing how much of the money that goes out comes back into the ACT government.

Mr Barr: Obviously, the Cultural Facilities Corporation operates the group of theatres. They have four theatre spaces, I believe, under their existing operations. The Lyric Theatre would be the largest of that group. So we have existing venues and data in relation to the return year on year for each of those venues. That is quite tangible and I think has 60 years of history now, given the Canberra Theatre Centre turned 60 last year. So that is available. I believe it will be published in the CFC's annual report.

Mr Khan: If I could assist, Chief Minister, there are different benefits that are derived. As part of the delivery of the infrastructure project, we obviously look at a specific set of benefits in the business case development piece. But, as the Chief Minister was alluding to in his answer, there are also wider economic benefits that projects like this have and the Cultural Facilities Corporation captures some of that. We also work closely with the City Renewal Authority, because we know that a project of this scale and investment is going to have a broader benefit for businesses in the local community as well.

MS CLAY: You have strayed a little bit, but that sounds great.

Mr Khan: Apologies, sorry. I did not mean to stray.

MS CLAY: And please, if this information will come in the answer on notice, just say, "That will be covered in the answer on notice". That is the economic benefits. I was actually after the money flowing back into the ACT government. Is that the information you will be releasing in the economic business case analysis?

Mr Khan: In terms of specific, direct financial benefits that flow to the territory, I would have to take that on notice, Ms Clay, in terms of that advice. Just so I can

clarify for the purposes of the question on notice, are you saying “direct financial inflows into territory revenue”?

MS CLAY: Yes. I assume this would have been part of the economic and business case that you did—that would it be one element of it, as well as the economic benefits, surely.

Mr Khan: I can take that on notice to provide that advice.

MS CLAY: That would be great. That would be awesome.

Mr Barr: When we released the project, the media release at the time referred to that—by the fifth year of operation, a \$33.7 million per year direct expenditure back into the territory economy.

MS CLAY: Yes, which is great. That is the broader economic benefits. There are two elements.

Mr Barr: Yes.

MS CLAY: Great. I am interested: when that project was first being prioritised, which external stakeholders did you consult with in deciding that that was the half billion dollar project that we would go ahead with? And feel free to take it on notice too.

Mr Barr: Sure. The lobbying from within the CFC and arts community stakeholders for this project goes back and even predates my time as a member of the Assembly, so it has been most of this century that this project has been called for and has been on the wish list of organisations in the arts sector, particularly in the performing arts sector—for some time. We released a 2019 infrastructure plan that was consulted on broadly across all stakeholders in the territory and a 2024 update.

I have taken this to several elections now. I have copped an extraordinary amount of criticism from the back three pages of the *Canberra Times* for a decade now about prioritising this over a football stadium, for example. We have had a very extensive public debate around the sequencing of theatre, convention-entertainment centre and stadium.

MS CLAY: Understood.

Mr Barr: I feel I have been consistent for more than a decade in saying, across multiple elections, that the order in which we are undertaking the projects—theatre, convention-entertainment centre, stadium—has remained the same.

MS CLAY: I am not questioning your commitment to the project, Chief Minister. In the light of Operation Kingfisher, when we have got a finding of serious corrupt conduct, and we have got a serious report that shows us how external organisations have interfered in procurement decisions, I am asking specifically which organisations were consulted and considered for this original project—at the time, however much it was, \$200 or \$300 million and now half billion dollar project. If that comes back with

a list of arts organisations, that would be normal, but I am quite interested in just seeing that kind of information.

Mr Barr: Well, certainly, the entire infrastructure program has been open to public comment and stakeholder engagement: the Property Council has a view; NBA has a view; the business chamber has a view; the tourism, arts and sports forum have a view. No-one has been denied the opportunity to have a view on the infrastructure program, but no one view has been elevated above others—if I can interpret that as the nature of the question.

MS CLAY: That is actually the heart of the question. I am just testing whether public interest was the primary determinant or whether some other elements were, and I am sorry to ask the question, but we have had a serious report—

Mr Barr: I appreciate that. I think there is also a reality that, in terms of the cost of each of the projects, a 2,000 seat Lyric Theatre is going to cost less than a convention centre with a 7,500 to 10,000 seat entertainment centre, which is going to cost less than a 30,000-seat football stadium. That is a fact and, undoubtedly, a point I have made, I would say, probably about a thousand times since 2014—

MS CLAY: I won't ask you to take it on notice! Thank you.

Mr Barr: So, 1,001: cost is also a factor.

MS CLAY: Sure. Thank you.

MS CARRICK: Now that you are going to have four theatres here, is it possible to rationalise those and use the money to have one in Woden where there is not one outside of the school environment?

Mr Barr: The Canberra Theatre Centre and the group of theatres are physically located in the CBD, and that is the most central location in the ACT to service everyone. These are pieces of infrastructure at that scale—the Lyric Theatre is. We are only going to have one in the ACT—

MS CARRICK: I am talking about the smaller stuff and rationalising the smaller stuff. You have got four.

Mr Barr: We are not going to knock anything down in the current—

MS CARRICK: You could repurpose with housing, and then spend the money on something in a town—

Mr Barr: I am not aware of any proposal—

MS CARRICK: I am just asking whether you had thought about it.

Mr Barr: So, you are advocating to knock down the 1965 Canberra Theatre or the Playhouse?

MS CARRICK: No, I was saying repurposing.

Mr Barr: No, you are not—okay, all right.

MS CARRICK: Never knock down a heritage thing.

Mr Barr: I think the only repurposing that has been discussed, but is not government policy, was for the Canberra Theatre. As it currently is a tiered theatre with 1,200 seats, there was a proposal that the Cultural Facilities Corporation put forward and publicly discussed many years ago about making it a flat floor venue, but that would obviously come at an expense, and that is not something that the government is currently considering.

MS CARRICK: I am thinking of the Courtyard theatre. You have got four; it is the little one. You have got four. You have got none—four being none!

Mr Barr: Okay. Well, again, to be clear to the media and stakeholders listening, the government does not propose to repurpose any of the theatres for the suggestions that Ms Carrick has made this afternoon.

THE CHAIR: Ms Carrick will keep trying!

MS CARRICK: My congratulations Chief Minister, you are now in charge of the City Renewal Authority and the SLA—aside from section 63, which talks about the Treasurer's directions for land acquisition, but all the rest of it. The SLA's objective is inclusive communities through the delivery of people-focused neighbourhoods. What is your vision for all the areas outside of the City Renewal area that the SLA is responsible for—the town centres, the group centres, the local shops.

Mr Barr: The SLA, prior to the most recent cabinet reshuffle, had a new suburbs and new homes component that the former Deputy Chief Minister had and then a series of urban renewal projects that reported to me. So, for administrative simplicity and probably to make the SLA's life a little easier, to report to one minister, following the reshuffle, I took on responsibility for the other part of the SLA's activities.

This, I think, does present an opportunity in urban renewal for the sort of approach that has been brought through the City Renewal Authority to extend into the SLA's work, although there are slightly different functions. SLA has a degree of place making activity, but that has mostly been focused on new suburbs rather than urban renewal areas. We will have a discussion around the balance of resources and capability, and I take on board the commentary that some more place making in urban renewal precincts outside of the CBD would be welcomed, so we will certainly look at those opportunities.

The SLA obviously has a lot of things it needs to do. Mr Davey will, I am sure, tell me that in order to take on a range of expanded responsibilities we would either need to stop doing something else or increase resources, but we are certainly open to those opportunities as they present. We have a range of urban renewal priorities, and they extend to pretty much every town centre in the territory at the moment.

Mr Davey: Yes, at the moment, that is right—

Mr Barr: Yes.

MS CARRICK: As far as urban renewal goes in Woden, Minister Stephen-Smith says she is no longer going to build a purpose-built community centre—basically, for Woden Community Service, and they run a lot of programs like the youth program. So, if you are going to have a long-term lease, is that not an opportunity to bring it right into the heart of the town centre and activate those public spaces?

Mr Barr: Yes, as an equivalent—

MS CARRICK: But there is no discussion. When I was bringing that up, it was—“That is not happening”. But there is the Cosmopolitan; it is right in the heart—“That is not happening.” The Woden centre was just sold for \$7 million right between the two—the town square and the new CIT Plaza, and the perfect opportunity—“not happening”. Lovett Tower has been empty for years—“That is not the one.” These are all right in the public spaces.

Mr Barr: Well, the—

MS CARRICK: And where is the talking together and getting us a good outcome and leveraging that opportunity?

Mr Barr: The usual process for procuring and leasing a facility would involve an open market tender against a set of criteria, and some of the things that you have mentioned there—location and ease of access, proximity to public transport, and being at the centre of activities—would indeed be relevant criteria, and so too would value for money, obviously. So I do not think anything that you have said there is precluded from happening.

We also have, as I understand it under the planning changes, some mandated requirements for prospective developers. If they want to redevelop particular parcels of land, they must include a community facility element. There have also been, to varying degrees, unsolicited proposals. I put the Scentre Group proposal in that context, where they have recognised the need to provide a range of community facilities and have, essentially, said to government that there is flexibility around exactly what that would look like and where it would be located. So that presents an opportunity that, undoubtedly, is to some degree linked with their redevelopment proposal.

MS CARRICK: What is good for the community is one thing—looking at what is best to actually engage the community—but how then does the private sector fit into that need, as opposed to the private sector just saying, “We’ll put a basketball court above the DJ’s loading zone: tick, it is done,” when that is not necessarily the best spot for the community to come together and engage?

Mr Barr: Sure. To be fair to the Scentre Group, they heard from the community council and others that indoor sporting facilities were something that they would like to see in the town centre, so they have endeavoured to respond to that. They were also

aware of the need for broader—and I think you touched on in one of your earlier questions—arts spaces and a small theatre. I am alluding—

MS CARRICK: Yes, we love all this stuff. It is a major hub for the south. Why can't we have it?

Mr Barr: Yes. There is certainly a pathway for the delivery of a number of those pieces of infrastructure as part of the renewal of the town centre.

MS CARRICK: But it needs a plan that the private sector then follows, as opposed to us just ticking the box that the private sector has done something.

Mr Barr: Yes. So, it is settling on exactly what that ask is. It seemingly changes from day to day and depending on who you ask. That is fair enough, because there will be different views from different people in the community, and views can evolve over time, and other decisions might be made.

THE CHAIR: Ms Carrick?

MS CARRICK: Those people develop a town plan!

THE CHAIR: Ms Carrick, maybe a private briefing with the Chief Minister would—

MS CARRICK: Okay. Can I ask a couple more?

THE CHAIR: Ask your question, yes.

MS CARRICK: All right. Who is responsible for The Ivy flood issues? Is that under the Suburban Land Agency?

Mr Engele: Ivy flood issues?

Mr Barr: The Ivy is an apartment complex that has had—

MS CARRICK: Serious flooding. I cannot work out who is responsible.

Mr Barr: I do think it would be the Suburban Land Agency. I imagine it would be City and Environment. They are nodding at the back in the room. Mr Engele?

MS CARRICK: I do not know if you are responsible? It is okay. I have got other questions.

Mr Barr: Okay.

THE CHAIR: One question. Make it your best one!

Mr Engele: We have answered questions in relation to The Ivy flood in a few different sessions. There are a few elements to it. One is in relation to the infrastructure failure, and that sits within the City and Environment Directorate, and the flood modelling also sits in the City and Environment Directorate in terms of the

work that is underway at the moment.

MS CARRICK: All right, I will ask you about that further.

THE CHAIR: One question, Ms Carrick.

MS CARRICK: One more about the Phillip pool design. There are four levels of basement parking underneath the pools. I am just wondering if the Chief Engineer has looked at the design to ensure that we do not have pools leaking into four levels of basement parking? Has the Chief Engineer had a look at the Geocon design for the 25-metre pool that we are getting?

Mr Engele: I cannot answer for the Chief Engineer because I am not—

MS CARRICK: Is the Chief Engineer here? We have got the Chief Engineer on our list.

Mr Engele: In terms of the Territory Planning Authority, in assessing a DA, we will look at the engineering compliance to ensure that it is something that can be constructed. So that would have been looked at as part of the assessment process.

MS CARRICK: Thank you.

THE CHAIR: Thank you, Ms Carrick.

MS CARRICK: All right—

THE CHAIR: I am really sorry, but I think I have given you more than anyone on the committee.

MS CARRICK: Thank you, Chair.

THE CHAIR: Ms Castley?

MR WERNER-GIBBINGS: Was that going to be an answer?

THE CHAIR: Is there an answer? Are you the Chief Engineer?

Mr Haraldson: No, I am not. The Chief Engineer is not here. I am from Infrastructure Canberra. We can take that on notice.

THE CHAIR: Ms Castley?

MS CASTLEY: Chief Minister, the new administrative arrangements have shifted responsibility for housing and strategy policy to you. Can you explain why you made this change and how the government's approach to housing will be different?

Mr Barr: Given, as we discussed earlier, the shift of the SLA to me as well, that is a big part of the supply side. Increasingly, capital for housing, particularly in the affordable housing space, is being delivered through intergovernmental partnership as

well, between the territory and the commonwealth, either through the Housing Australia Future Fund or some direct allocations that the commonwealth has been making to the states and territories. I also have responsibility for that. Intergovernmental housing is generally on the national cabinet agenda at most meetings—not every meeting, but at most meetings. From a whole-of-government, policy perspective—noting that, obviously, planning plays a role; there are delivery agencies; there are public, social and affordable housing assets that we own and operate; and there is land that we are making available for new housing delivery—in looking across those responsibilities, a lot of that did sit with former Deputy Chief Minister Berry and needed a new home.

Given the role I was already playing in a number of these things, I felt that, for administrative simplicity and whole-of-government leadership, I would take that overarching responsibility. We have a cabinet subcommittee that brings the relevant ministers together with the relevant officials, and the endeavour here, across the responsible ministers, with policy coordinated by me, is to improve the output of new housing across all housing types, noting the substantive changes that the Assembly has endorsed in relation to missing middle housing and what is anticipated to flow in terms of new supply there, and, of course, the ongoing important work that the SLA does in new suburbs.

MS CASTLEY: Sure. I understand that is the process, but can you explain how the approach will be different, if it will be, or if it will not be?

Mr Barr: I think, compared to a few years ago, we do, as I touched on, have access now to an annual capital stream for submarket—below market—housing through the Housing Australia Future Fund, and we are coordinating those efforts and aligning land release from the SLA with our affordable housing targets, which we identify almost solely for community housing and affordable housing providers.

I had done a lot of work around the build-to-rent market as well, and this links in a little with my investment role. In order to attract a number of the major players in the Australian build-to-rent market into Canberra, that has involved presenting investment opportunities, and we have been undertaking that work. So I guess the admin, or the change, brings a larger share of that responsibility into my portfolio directly through SLA, and then, importantly, I think, as a whole-of-government coordinating point for the entirety of the housing strategy, which is a lot. There is a lot happening.

MS CASTLEY: Yes, sure. Housing affordability is the number one issue in the ACT, and I note that, in your first speech, you did note that housing in the ACT was “horribly unaffordable”. Do you believe that is still the case?

Mr Barr: I think in many instances it would be more challenging now than it was 20 years ago. I would say the substantive thing that has changed to make it more affordable is stamp duty elimination for many home purchases. We, obviously, have seen 20 years of the previous capital gains tax settings. Now, the most recent data—and the catastrophising that I see on the front page of some newspapers—is that house prices are falling. It is difficult to have more affordable housing without prices falling, but, equally, we want wages to catch up a little, so a period of relative stability in house prices and allowing wages to catch up is probably the most economically

sustainable way to improve housing affordability.

Just very quickly to conclude my answer here: on the published data based on the, understandably, above-national-average incomes in the ACT, for people who are on those incomes, housing affordability here is better than any other state or territory—acknowledging that not everyone is on those above-national-average incomes. But for those who are, it is statistically correct that our market is more affordable because of that combination of higher income and relatively more modest pricing than, say, Sydney, Brisbane, Perth and Adelaide, at the moment.

MS CASTLEY: You have just touched on a couple of things, so is it your view that the main drivers of affordability are those incomes and stamp duty and things like that? And what is it that you would do about that? We still have stamp duty, obviously.

Mr Barr: I think there are three factors that will drive affordability: one is the price of the housing; the second is people's incomes; and the third is what level of taxation is applied.

MS CASTLEY: Do you think supply plays a part at all in improving housing affordability?

Mr Barr: Yes—housing affordability and housing diversity. Sometimes having a more appropriate housing typology improves affordability because you get closer to the housing type you want. A common example that is raised with me is people wanting to downsize into a single level dwelling that still has a sufficient number of bedrooms but probably not four—

MS CASTLEY: Sure.

Mr Barr: which is what many people often feel they are forced to buy, and they are paying for rooms they do not use.

MS CASTLEY: Since 2020-2021 the SLA has had targets totalling 18,000 new dwellings but has only released land for 13,000. That is a 29 per cent shortfall in new housing supply. Is this worsening housing affordability, and if so, what will you do to address that?

Mr Barr: Yes, a fair question—

MS CASTLEY: Are you looking at it?

Mr Barr: Clearly, the more supply that we can get into the market, the better, but, obviously, housing is a series of sub-markets as well, so SLA's particular focus in recent times has been on supplying particular types of housing that do go to enhance affordability. But it is not just in the housing-for-sale market; it is also in the long-term rental market, and that is where I touch on the build-to-rent community housing supported programs as well.

Mr Davey: I would like to add that the year just gone, 2025-26, the SLA has actually released more dwellings in the RP. In recent years, we had not met our targets; this

year that has just gone we have exceeded the targets. I think that is reflective of a combined effort across government to try and get the pipeline moving and get the land out the door. I think the assumption that supply plays a role is well-known. Supply of new land is only a small part of the mix. Obviously, the housing market's established dwellings represent the lion's share of what is available at any given time.

MS CASTLEY: Back in the Stanhope and Gallagher governments it was always exceeded. Obviously, this year you have exceeded, that is great. What has been the hold up to this point? Why is this year different? I think I asked this earlier: how many blocks of land get handed back because in the end they actually cannot afford them or they sell them—

Mr Davey: Good questions. I am not over-simplifying it, but a lot of the easy land to develop is developed—10-20 years ago, relatively simple paddocks. We now have a lot of slopey land. It is complex and there are all sorts of constraints. I do not want make excuses, but it is actually more difficult land to developed. Along that timeframe we have had a tightening, for good reason, of the rules around developing land to protect conservation values and other things—that all adds to the time it takes.

In terms of rescissions, what I could say is that, looking at that over the last three years, the number of rescissions has dropped. I think there was a period of time there, in 2023-24 for example, when we had 49 rescissions, which is not a huge number; in 2024-25 we had 22; and last year we had 16. So, we are seeing that come down, and there is a range of reasons why we might see rescissions. Probably the biggest one is a change in personal circumstances that were unforeseen—someone might get sick or they might lose their job or other things, and life happens. When interest rates go up that obviously has a pressure effect on people's ability to pay for what they thought they might be able to. I think, also, back in, say, 2023-24, we had land that we released that was not yet ready, so there was the ability to buy it and then the wait, and because of that waiting time, things can happen in your life that mean you are no longer—

Mr Barr: I will just make one final quick observation that COVID did not help either.

MR PARTON: Chief Minister, you said five minutes ago that it is difficult to have more affordable housing without the price of housing falling. Are you actively trying to trash the price of housing for those who are currently owners of dwellings?

Mr Barr: No. Part of the new supply focus is on more affordable dwellings, and clearly there are two factors that drive that, and they are the amount of land and size of the dwelling.

MR PARTON: But you were reflecting on the price of housing going down, so I am assuming that you are not displeased with the price of housing going down?

Mr Barr: Well, it is very difficult to make housing more affordable if it is continuing to increase in price at a rate faster than people's salaries and wages. What we have seen, I think, over the last year is price stability. I think Canberra house prices have gone up by one per cent over the last year; incomes have gone up by more than one per cent, so that is an improvement in affordability without having a dramatic

impact. If you were banking on your house price increasing by 10 per cent a year, then there is no way in which that is going to be affordable for others. The housing market cannot be all things to all the people, but if we do agree—and I think there is a community consensus—that it had become too unaffordable relative to people's incomes, then a period where it is not growing faster than income growth, improves affordability.

MR PARTON: Thank you.

THE CHAIR: Mr Emerson?

MR EMERSON: I want to go back to the line of questioning from earlier. I am struggling to accept that no-one in the room is across the circumstances of Ms Cross leaving the service, given she was Director-General of ACT Health until quite recently. Can someone tell me when she left the service?

Mr Wright: I do not have that in front of me.

Mr Barr: The exact date—we can get that.

Mr Wright: I am sorry, Mr Emerson.

THE CHAIR: Ms Clay?

MS CLAY: The 2026-27 capital works program savings measure says that the government will acquit tier 3 savings by identifying projects through the 2026-27 budget review. Does that mean that you have picked the amount of money that you will save but you have not yet picked the projects that will lead to those savings?

Mr Barr: Yes. What we did in terms of identifying that amount of money was to look across tier 3 projects, unallocated asset renewal program money—so, it had just been set aside with no projects against it—and certain decisions that we have discussed around not proceeding with some tier 2 projects.

MS CLAY: Deferrals.

Mr Barr: Yes, correct. The tier 3 project assumption is to look at what the agency has historically been able to deliver based on a number of years of past performance, and then, effectively, to set that as a benchmark for the coming few years, not expecting them to deliver projects that they have not been able to. If I can summarise it: there is a backlog, and we need to complete the backlog of projects before we start adding new projects into the list.

MS CLAY: I am puzzled. Can you give us on notice a list of the projects that will not be proceeding and a list of the projects that are deferred? “Deferred projects”, in my mind, means they are still in the budget; they are still in the forwards, and we are still going to pay for them sometime. “Projects that are not proceeding” means we have cancelled them, and we get that money back in the budget. Is that information you can bring back on notice?

Mr Barr: I can do that for you.

MS CLAY: Thank you.

MS CARRICK: It makes up the \$700 million that has come out of the budget.

Mr Barr: Yes—that is detailed in the budget papers. You will see it across the three categories that I have outlined, and it is in the budget papers, but on notice I will refer to those budget paper pages.

MS CARRICK: Okay.

THE CHAIR: Thank you. 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*. Thank you very much.

Short Suspension

Appearances:

Cheyne, Ms Tara, Attorney-General, Minister for City and Government Services and Minister for Transport

Justice and Community Safety Directorate

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

THE CHAIR: We welcome Ms Tara Cheyne, the Attorney-General, and officials. Please note that, as witnesses, you are protected by parliamentary privilege and bound by its obligations. You must tell the truth, as 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. Attorney-General, I have some questions around Parliamentary Counsel's Office budgeting. The first question—and I know I have put this question on notice, but I am happy to withdraw it and ask it here, because it leads to follow-up questions that I have—is: how much is allocated to the Parliamentary Counsel's Office? What is your budget?

Ms Kimber: I have read and acknowledge the privilege statement. Page 15 of budget statement D shows the controlled recurrent payments. Table 9 shows the controlled recurrent payments for output class 1.3, and that is legislative drafting and publishing services. That is allocated to Parliamentary Counsel's Office.

THE CHAIR: For 2025-26, \$182,000, for 2026-27, \$200,000; is that right?

Ms Kimber: Page 15, table 9. There is a figure of—

THE CHAIR: Budget statement D?

Ms Cheyne: Yes. On mine, it is page 14—different printing, so it is table 9, if that helps, and it is output 1.3.

THE CHAIR: Thank you. That is 4.9 and 5.06?

Ms Kimber: 4.9 was the budget for the 2025-26 period and, for this coming period, it is—

THE CHAIR: 5.06.

Ms Kimber: 5.06.

THE CHAIR: That is in millions?

Ms Kimber: That is for this coming financial year.

THE CHAIR: How is that budget allocated to both the government's work and the work of other members? How do you split that?

Ms Cheyne: I can give you a broad overview of my understanding of the office; then Ms Kimber can correct me. As at this time last year, the PCO had an office of 22 staff, which, at that time, was about nine legislation officers, 10 drafters and three executives. It is a staffing base that has been stable for about 25 or 26 years, even though it is experiencing an increasingly complex and challenging environment.

Something that we did identify—and the timing probably relates to when I first visited PCO last year, around April—in meeting with all the staff there, was getting to understand what the workload is and where the pressures are. Pressures certainly come from government; equally, they can come from private members. Something that stood out was that there was a significant amount—and not confined to this Assembly, either. You have to remember that it is only quite recently that bills have been routinely referred to committees, so we are seeing more amendments come through, either from government or from private members. They are more complex and, if those amendments or bills are abandoned, or they were not really well thought through in the first place, that can create a real resourcing pressure.

The answer to how you split the workloads depends, but Ms Kimber has some pretty robust measures in place and, if there are opposition amendments being drafted to a government bill, we have no idea until you tell us, effectively, and it is about making sure that they do not have the same officers working on the same piece.

Ms Kimber: Sure.

THE CHAIR: What I want to get to, firstly, is how, Attorney-General, you made that determination, particularly in your instructions, via private members legislation drafting arrangement authority purposes, particularly point 11, which states that the delivery of drafting services to private members must not interfere with the delivery of drafting services to the government.

In that context, I want to understand how it is appropriate, if the government's business comprises 89 per cent, I think, based on the letter that you sent to all members, and the business of the leadership team and the opposition comprises 18 per cent. Given that this is the first time in the Assembly that you have probably had the potential to have a bill passed, I want to understand how that resource is allocated.

Ms Cheyne: Again, I will start. It is longstanding position in the ACT that PCO drafting services are made available to private members with government agreement, and that has existed since self-government. I think the arrangements were clarified in 1989, 1990 and then reissued in 2004, under Chief Minister Stanhope. They had not been reviewed, revised or adjusted in any way since 2004.

With a quite different environment, many more members, bills being referred to committees and the complexity of bills growing, it seemed like a reasonable idea to review the current arrangement. The arrangement, I need to stress, continues. I think that it largely reflects how it compares nationally, but it was driven in large part by the advice that we received from PCO. I will hand over to Ms Kimber.

Ms Kimber: Ms Barry, are you asking to what extent PCO perhaps pre-emptively allocates resources or—

THE CHAIR: Yes, I am asking how the decision is made. Also, and most importantly, my first question was: is it your view that government bills should take priority over services for other members? That is the first question. Secondly, I want to understand how you allocate those resources. There is a guideline that says government bills should take priority. Is it your view that that is the case?

Ms Kimber: In terms of the first question, I think that is a matter for government. In terms of how we allocate resources, we will respond to requests for drafting as they come into the office. That will change over the course of an election cycle and on the requests as they perhaps come in, in an ad hoc fashion, in relation to the range of drafting that we do. We draft bills, we draft Assembly amendments and we also draft subordinate laws.

Requests for regulations will come in, in an ad hoc manner. Requests for private members work may also come in, in an unpredictable manner. Government requests may be more predictable, because there is a program that governments set for their legislative priorities. We will address requests as they come in. Generally, we will respond to all requests. We have the capacity to respond to all requests in a timely way, and we see timely as taking into account the complexity of the project.

THE CHAIR: How many times have you refused to draft a government bill?

Ms Kimber: We have not refused to draft a government bill or a private member's bill.

THE CHAIR: Okay. How many times have you delayed drafting a government bill, as opposed to a private member bill? What is the length of time between drafting—

Ms Cheyne: That is a really hard question to answer because we really try to engage PCO as much as possible through the process, both by providing a legislative program and by trying to engage early, as the policy development is occurring, so that we can understand, "Is this going to be a complex bill, straightforward, or of medium complexity?" That can change over time as well.

We rely on PCO's advice, but sometimes something might emerge in the policy development space that turns something from medium complexity to high complexity. It is not that PCO refuses; it is that PCO might say, "You have a deadline of this date. That is not achievable unless we do some other adjustments." That becomes a matter for government then, because we are trying to respect the whole government program, as well as PCO's responsibilities to private members.

I will make two points. It is a longstanding principle across several jurisdictions that private member drafting should not interfere with the delivery of the government's legislative program. That is also reflected in the ACT's previous arrangements, so what was issued in January was not new. It is also reflected in the Queensland model, the New South Wales approach, Victoria's limits and Western Australia's approach. Our revised arrangements retain access, but what we looked to do was add clearer boundaries around prioritisation, complexity, instructions, abandoned work, confidentiality and reporting.

THE CHAIR: I appreciate that you probably did not have the benefit of the Latimer House Principles review. I refer to page 57 of that review, where it says:

The Assembly's Standing Orders refer to 'Members' rights and duties in relation to the progress of bills, rather than emphasizing 'ministers' as is the case in the Standing Orders of other Houses. The capacity for Members to introduce bills and substantial amendments to bills is also reliant on the availability of expert drafting resources, usually provided by Parliamentary Counsel.

The last paragraph says:

Members have a right to introduce bills. The right is not limited to ministers and the Assembly's Standing Orders reflect this.

Would you consider revising this statement that you issued, based on that?

Ms Cheyne: No, I do not think that we are in contradiction of the Latimer House Principles or that point that was made. I would note that that report has now been referred for inquiry by the admin and procedure committee. I would note, and I am being very clear, that I think it is obvious that the revised arrangements are not about, in and of themselves, solving resourcing pressures. They do still create accessible arrangements for private members, but they create a clearer and more reliable framework for that pressure.

They clarify the scope, the prioritisation and the expectations. There is a level of monitoring, and that allows us to assess whether the revised arrangements have made any changes to workloads, and that can inform future budget bids. It is all about modernising reporting and capturing of data. That can only be done by having a fresh look at the arrangements, which we have done, and I will continue to take the advice from PCO about whether their workload challenges change as a result. But the revised arrangements do not, of themselves, solve the pressure.

THE CHAIR: Are you willing to provide resources for us to outsource our drafting?

Ms Cheyne: It is not that you do not have resources provided to you; PCO makes every effort to provide resources to you.

THE CHAIR: Yes, but we have been having difficulties getting our bills through PCO, because the government's bills take priority. How do we balance that? What is the balance?

Ms Cheyne: That is why those arrangements were reissued, to give clarity. I would not have any idea about what you have put through to PCO, but it may well be that you did not give them enough time. It may well be that what you put up was too complex for the time in which it was going to be debated.

THE CHAIR: That would always normally be the opposition's business or members' business, because, for amendments to a bill, we rely on the government to put the bill forward for us to consider drafting amendments. You provide the timetable for when the bill will be debated. I know there is a six-month time period before we have to

debate it, but we are working with the time that you set, and the timetable. How else can we do it in a manner that fits into what you consider—

Ms Cheyne: I really cannot comment because I do not know what you are talking about—and why would I? I only get de-identified information.

THE CHAIR: I am telling you what happens, because you do not know.

Ms Cheyne: Well, I should not know.

THE CHAIR: It could be that it is in the PCO's office that this prioritisation is not happening, or non-prioritisation of private members' bills is happening. But if the minister is not aware of what we are putting forward, and we are getting from your office, "Sorry, we can't do this because government bills take priority," we are working with the minister's timetable, in terms of introducing the bill, and the time it takes for that bill to be debated. How do we solve the problem?

Ms Kimber: I am not aware of any instance when we have said we could not do drafting. Certainly, for any current jobs, or any jobs that you are looking to have drafting on, we would definitely encourage you or your officers to speak with either the drafting team or the relevant deputy who is responsible, to discuss what is achievable. There may be times when we have needed to give advice that a bill cannot be drafted in the timeframe in which a private member has asked for it, but that can be for a range of reasons, including the complexity of the bill and the development of the underlying policy. It is a complex operation, to draft legislation.

MR EMERSON: I should say at the outset that my experience so far with the PCO has been fantastic, so thank you very much. Long may it continue. Going back to the question about the updated authorisation for you, Attorney-General, from where do you derive the authority to issue that updated authorisation? Based on what Ms Barry was saying, and what the Latimer House review says, it seemingly conflicts with the standing orders, which reflect all members' rights to introduce bills.

Ms Cheyne: All members' rights are maintained. We are giving clearer guidance, authority and autonomy to PCO about how it can operate as independently as possible, while it remains part of the executive, which has been the longstanding arrangement here. Because it is part of the executive, I have responsibilities for its budget, and I also have responsibilities, as a PCBU, for the work health and safety of their staff, and that extends to workload.

That is what the updated authorisation is looking to reflect—to modernise, to not be relying on a set of circumstances that were written when literally not one of us was here. That is why they were reissued. The Chief Minister and Attorney-General was Jon Stanhope when they were previously issued, and I understand that was the case in 1989-90. This is authority that is issued through arrangements, as I said, in all other jurisdictions.

MR EMERSON: Can you provide—because of limited time, maybe on notice—a really clear breakdown of exactly what changed in this authorisation compared to what was already in place?

Ms Kimber: Certainly. Previously, the authorisation was in very broad terms and provided that Parliamentary Counsel would draft, to the extent it did not interfere with government drafting. What we looked to do was to provide some clarity and transparency about the way that we need to review the allocation of our resources within our budget.

Ms Cheyne: Those broad terms make it hard for PCO to think, “What’s the threshold for interfering and what’s not?” And they make it hard for a private member to understand as well. It was about clarifying that, and that really was the approach. As I said to both Mr Parton and Mr Rattenbury at the time, nothing should change. If resources are being used responsibly, access and the resources being made available to private members should not change.

MR EMERSON: When you notified about this change in January, you noted that at that time the Latimer House Principles review was still underway. As we have discussed, the previous arrangements had been in place for 20 years. After 20 years, why not wait for six months for the recommendations of the review before making that change? As part of that question, were there issues with the development of government legislation that have been identified that actually prompted the change?

Ms Cheyne: No, not at all. I think I have explained pretty clearly what prompted the change. I think that was also explained in the covering letter. If I am honest, I think it is pretty clear in the purpose of the authorisation, as it is set out, as well. First of all, the Latimer House report’s recommendations do not get automatically adopted; they get inquired into. I do not believe there were any recommendations made about the Parliamentary Counsel’s Office in the last review of Latimer House in 2018-19.

Again, with the admin and procedure inquiry into the report, my recollection is that it was in the Ninth Assembly, but it did not conclude until February 2020—the last few months before the end of the parliamentary term. That is a pretty long time, by any measure. But even if it was a shorter time, I still have a responsibility to act on advice that I am getting. I think it was well overdue for us to have a refresh. The Assembly may well conclude that the Latimer House review has not necessarily got it right. It might have a very different conclusion, but that is still a matter for the Assembly.

MR EMERSON: In the review report, one of the recommendations—so, not of the committee inquiry into it, but the report itself—is:

Within 12 months of this report, the resources for the Parliamentary Counsel be reviewed to take into account Executive and non-Executive drafting demand and that the Government table its review and funding intentions in the Legislative Assembly.

Will the government do that?

Ms Cheyne: I am not going to pre-empt a future government decision. But what I can say is that providing clearer guidance to everybody—and this includes government as well, by the way; I made clear to my colleagues that I expected them and their officials and their staff to, effectively, be a model for making sure that they had the

most judicious use of PCO's resources—but ultimately, that, by being clear about the scope of access and the expectations of everybody, and the circumstances in which work can be managed, prioritised or declined, that is clear to everybody. And being clear to everybody gives PCO an opportunity to provide de-identified reports.

De-identified reports then help us assess, overall, what has changed over time and where the need might be. And it may well be that the clarity has not changed anything; it has been useful for everybody to know, but the demands are still there. And then that is when further resources would be considered.

MR EMERSON: Your letter about the changes earlier this year spoke to the number of private members' bills that either are not passed, or have lapsed, or been withdrawn, or get passed with amendments. Until this term, though, government bills were basically guaranteed to pass for the last 12 years, since now we have a minority government. And I think it is important to acknowledge, especially in a minority government, that having a range of different views and values represented in the Assembly, including through legislation, is obviously critical.

Ms Cheyne: Of course. I think that is true in any—

MR EMERSON: Are you able to provide data on this, from this term of the Legislative Assembly; on the number of bills that have been perhaps initiated but not drafted to completion, or have lapsed or have been withdrawn or amended—or any other helpful data?

Ms Kimber: Yes, I do have that data.

Ms Cheyne: I have it in front of me.

MR EMERSON: Great.

Ms Cheyne: So, as at 30 June, for private members' bills or amendments—I will clarify this if I am reading this wrong—I believe it is 37 that have been initiated. There are six that are active. There are 18 completed, and 13 are discontinued or inactive.

MR EMERSON: Sorry, can you repeat that? Six are active?

Ms Cheyne: 37 initiated; so 37, “Ring, ring, PCO.” Six active; so, drafting is still underway; has not necessarily been introduced as an amendment or as a bill. Eighteen completed; so, they have gone through the Assembly in one form or another. And 13 either discontinued or inactive—and inactive might mean that PCO has not heard from the originating member for some time.

Ms Kimber: That is right. We allocate a six-month period. If we have not heard anything, we will record it as inactive.

MR EMERSON: Okay, and do you have how many passed or did not pass—amended or otherwise?

Ms Kimber: Yes, that is available on the legislation register. It might take me some time to—

Ms Cheyne: Well, it is publicly available, Mr Emerson. You can see that for yourself.

MR EMERSON: Just of those 37, like, I think—

Ms Cheyne: So that is bills and amendments, so—

Ms Kimber: That is correct. That is all instructions received, either for drafting of a bill or of an Assembly amendment.

MR EMERSON: And what about for government?

Ms Kimber: We could pull that data together. I think the way we would generate a job for a government bill differs to the way we would generate one for a private members' bill. That is, we would generate a new project or job on instruction from a private member, whereas we may open jobs in anticipation of what might be on the program for government. So, we may have a job open for which there has been no activity. So, I could pull that data together but I think it would be a matter of identifying which jobs from government we have received instructions for, and begun drafting. It would just take some time.

THE CHAIR: Okay, just whilst you take that on notice, can you actually provide data on the 13 that were discontinued; whether it was drafted, whether it lapsed? What will be the composition of that 13?

Ms Kimber: I can let you know that that is jobs where we have either been advised by the member that they do not wish to proceed with it, or it is where, for bills, there has not been any contact from the member for six months. For Assembly amendments, it is for amendments that we have drafted that have not been moved.

Ms Cheyne: This is deidentified. I do not have any further breakdown than this in front of me and I think, on such low numbers, breaking it down further it might just start to be a little bit obvious about—

THE CHAIR: Identifiable. Okay.

Ms Cheyne: But perhaps, in annual reports, we might have a larger data set which is less likely to start identifying things.

MR EMERSON: Okay. I think, in the letter that we got, we had data from the start of 2013 right through to now. So that was about what passed with no amendment, or amendments lapsed, or withdrawn—basically, having that data from this term, and I think it is fair to have it for PMBs and for government. I take your point about government requests as opposed to own-motion drafting so to speak, but from a resourcing perspective, I suppose, for the Assembly it probably does not matter all that much how it comes about. But if you want to provide those as separate tables, that is fine too.

Ms Cheyne: Yes, that is fine. Let us just try and make sure we provide like with like, to the best extent possible. So, we will take that on notice. We are happy to provide that. There is no issue.

MR EMERSON: Okay. Thank you.

MR BRADDOCK: Minister, I believe you mentioned that the staffing or resourcing before the Parliamentary Counsel office has been steady for 20 years. A lot has happened.

Ms Cheyne: Yes, more than. I think I said, 25-26.

MR BRADDOCK: I was trying to be generous. My question is, basically, there have been quite a few changes in that timeframe in terms of the number of members having increased; as you mentioned, more bills going now to enquiries; more amendments; and apparently more complex legislation—although I do not know understand why that is happening. Everything is more complex. Has there been any review in terms of the staffing level and whether that is fit for purpose?

Ms Cheyne: You might recall that I have not been A-G all that long. So the timeline, quite literally, is: I sat down with Ms Kimber and her team and just had a big old chinwag about everything for a few hours in April last year; and then I received some advice over a period of a few months last year that ultimately resulted in the letter being issued at the start of this year.

So, that is what I can tell you about my time as A-G. I do not know if there is anything immediately available, but you may have a long memory, Ms Kimber, so feel free.

Ms Kimber: I have been with the Parliamentary Counsel, now, since 2007 and there has been no review in the period of time that I have been there, that I am aware of.

MR EMERSON: 2007?

Ms Kimber: That is right.

MR EMERSON: Thank you for your service.

MR BRADDOCK: Thank you. That is it from me.

THE CHAIR: I have one clarifying question. Ms Kimber, did you take on notice to provide the breakdown, I think it was Mr Emerson's question, of the difference between the old authorisation and the new authorisation?

Ms Kimber: Yes, we did.

THE CHAIR: Thank you. And just lastly, given, again, the size of the Assembly and the fact that there has been no review, is there any plan to be a review of the allocations to OPC?

Ms Cheyne: This is effectively the start. So, I have received two de-identified reports, now, over the past six months; so, quarterly reports. And it is early days of this, but we obviously have years of data to compare it against. And if this is the final thing I can say in estimates, I would warmly welcome any recommendations from the committee about resourcing suggestions for PCO who are, seriously, just the best. We are very lucky, and it speaks volumes that so many of the staff stay so long and produce the calibre that they do.

THE CHAIR: Thank you, for the very last time. On behalf of the committee, I would like to thank you for your attendance today. If you have any taken any questions on notice, please provide your answers to the committee secretary within five business days of receiving the uncorrected proof Hansard. And if members wish to ask a question on notice, please provide them to the parliamentary portal as soon as possible, and no later than five business days from today.

I would also like to thank our witnesses who have assisted us through this committee through their experience and knowledge.

We also thank broadcasting and Hansard for their support.

This meeting is now adjourned until next year. Thank you.

The committee adjourned at 5.05 pm