



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

STANDING COMMITTEE ON LEGAL AFFAIRS

(Reference: [Inquiry into Annual and Financial Reports 2023-24](#))

Members:

MR P CAIN (Chair)
MR T WERNER-GIBBINGS (Deputy Chair)
MR S RATTENBURY

PROOF TRANSCRIPT OF EVIDENCE

CANBERRA

TUESDAY, 18 FEBRUARY 2025

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Secretary to the committee:
Ms K de Kleuver (Ph: 6207 0524)

By authority of the Legislative Assembly for the Australian Capital Territory

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

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Privilege statement

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Amended 20 May 2013

The committee met at 2.00 pm.

Appearances:

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

Justice and Community Safety Directorate

Blount, Ms Wilhelmina, Acting Deputy Director-General, Community Safety
Frino, Mr Franco, Executive Branch Manager, Capital Works and Infrastructure
Johnson, Mr Ray, Acting Director-General

ACT Policing

Bailey, Acting Assistant Commissioner Andrew, Acting Deputy Chief Police Officer
Lee, Deputy Commissioner Scott, Chief Police Officer for the ACT
Whowell, Mr Peter, Executive Group Manager, Corporate

ACT Emergency Services Agency

Phillips, Mr Wayne, Commissioner
Scott, Mr Rohan, Chief Officer, ACT Rural Fire Service
Shonk, Mr Matthew, Acting Chief Officer, ACT Fire & Rescue
Wang, Ms Cherry, Acting Executive Branch Manager, ESA Finance
Wren, Mr Howard, Chief Officer, ACT Ambulance Service

Infrastructure Canberra

Geraghty, Ms Gillian, Director-General

THE CHAIR: Good afternoon and welcome to this public hearing of the Standing Committee on Legal Affairs for its inquiry into annual and financial reports for 2023-24. The committee will today examine the Minister for Police, Fire and Emergency Services, and the Solicitor-General.

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

The proceedings today are 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 used these words: "I will take that question on notice." This will help the committee and witnesses to confirm questions taken on notice from the transcript.

We welcome today Dr Paterson MLA, Minister for Police, Fire and Emergency Services, and officials. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious

matter and may be considered contempt of the Assembly. Could you each please confirm that you understand the implications of the statement and that you agree to comply with it?

Dr Paterson: Yes.

Mr Phillips: Yes.

Dep Commissioner Lee: Yes.

Mr Johnson: Yes.

Ms Blount: Yes.

THE CHAIR: Thank you, everyone.

Minister, I would like to know about the threat environment that ACT Policing are operating in at the moment. What are some of the primary challenges faced by ACT Policing thus far this financial year?

Dr Paterson: Thank you for the question, Mr Cain. Obviously, there are issues that are happening at a national level in relation to national security and public safety. These are fuelled by what is going on overseas. We have seen a rise in antisemitic attacks in other jurisdictions, and that is a key and primary issue. Domestic and family violence and sexual violence are ongoing issues that deeply affect our community and are a priority for ACT Policing. There are other issues such as organised crime that ACT Policing have been very proactive in addressing, and there is general crime and general duties. Policing obviously remains a core part of police work. I will pass to the Chief Police Officer to outline any further priorities.

THE CHAIR: You might touch on anything distinct that has turned up this financial year compared to earlier times.

Dep Commissioner Lee: Sure. Thanks, Mr Cain. As the minister said, Canberra is not immune from the challenges that are confronting the country nationally. The Director-General of ASIO describes our threat environment as challenging, changing and increasingly complex. That is certainly what we are seeing here in the ACT in terms of the national security environment, whether it is counterterrorism, countering violent extremism or issues arising from antisemitic behaviour—whether that be criminality or the community's perception of safety—and there is what we need to do in terms of community engagement. Those are issues for us here in the ACT and form part of the strategies and responses that we are providing to the community. Particularly in the context of the ministerial direction and the priorities for ACT Policing—and I think it is a credit to our people in ACT Policing, our whole-of-government partners and the community themselves—Canberra thankfully remains one of the safest cities in the world and certainly in Australia.

We have seen a reduction in certain criminality here in the ACT. However, we are also seeing demand challenges. As the minister has said, we see that in homicides and other related offences, which also include some offences around road safety. Domestic and

family violence continues to increase, and that is a challenge for us. It led to the establishment of the new High-Risk Domestic and Family Violence Investigation Unit. Those matters continue to increase this year and certainly increase the complexity of our response by police officers. There are the number of mental health matters that we are responding to, along with our colleagues from Ambulance and Health. Road deaths, serious injuries and sexual assault matters also continue to increase, as well as youth offending. We are seeing a range of challenges in our environment. We continue to see increasing demand for our policing services and we need to look at what that means for our police officers.

THE CHAIR: Generally speaking, what is your approach to crime prevention? What programs or measures do police undertake for that?

Dep Commissioner Lee: A strategy for us is ensuring that we are intelligence-led and evidence based in terms of our policing responses. That relates to our enforcement activity as well as the other crime prevention work that we are doing. We are certainly cognisant of the perceptions of safety that sit within the community where there are issues and when concerns are raised with us. A key part of that is our engagement and partnership with the community on those issues. We have certainly seen that with a number of the retail hubs within the ACT. An element is engagement and dialogue with the community around how they are feeling and their perception of issues that are impacting them.

The second relates to ensuring there is an evidence base to our response that forms a view of the level of criminality or the level of other behaviour that might contribute to issues around safety. Obviously part of that is with Policing, but other elements of that will sit with other directorates in the ACT, for the wraparound services and supports that are provided to the community, but also to vulnerable people within the community.

The third relates to overt police action where there is a disruption element. Crime may not be evident and we may not be arresting individuals, but there may certainly be high-visibility patrolling or an operational presence.

Additionally, we have a number of other community partnership programs across a number of crime areas where we are engaging with or funding programs to provide support to the community as well, such as supporting young males through Menslink, our grants support to PCYC, and some partnerships we have with the Aboriginal Legal Services around what we call an up-front program, where we are trying to keep First Nations people out of police custody when they may be on a warrant. So there is a range of mechanisms in terms of our crime prevention activity in addition to what we are doing in enforcement.

Dr Paterson: I think a really great example of a program is the SafeHome Program. This is run by Support Link. That is a program that has been running over a few years and was evaluated in 2021 by the ANU. It is basically a program that works with eligible residents to support victims and vulnerable residents to reduce the risk of opportunistic home burglary. There was a procurement exercise run last year and Support Link was again contracted for the next three years to run this program. The evidence from the evaluation shows it is a really great prevention program.

MS MORRIS: You mentioned ASIO Director-General Mike Burgess's direct assessment. Regarding foreign interference, if there were a scale for it, he would have placed it at "certain" and said that the threat surpasses terrorism. What is the threat environment for the ACT specifically on foreign interference? Is there a risk to territory parliamentarians or directorates and their staff? And how does ACT Policing engage on that?

Dep Commissioner Lee: Thank you for the questions. In terms of the director-general's threat assessment, obviously that is a national assessment, but it is relevant to the ACT. The director-general also flagged that it is a matter for the commonwealth, state, territory and local governments. All governments are targeted as a result of espionage and foreign interference activity. That is a live issue for the ACT, particularly in the context of the ACT community and being the seat of national democracy as well. Geopolitical issues do play out in the ACT environment. A benefit for ACT Policing is partnership with the broader AFP. The AFP has the Counter Foreign Interference Taskforce. The AFP, ASIO and ACT Policing form part of that partnership. We rely on our Commonwealth partners in terms of the operations of the taskforce. We will partner with them, where appropriate and if needed, on espionage and foreign interference matters.

MS MORRIS: ACT Policing would be advised if there were a local threat?

Dep Commissioner Lee: That is right. We will partner where we need to. Obviously it will depend on the classification of some of that material. We have a very good relationship and they will advise us where appropriate. That also occurs where we see an impact on diaspora communities in terms of community interference. That is something that we are very alive to and speak to the taskforce about.

MR WERNER-GIBBINGS: I have read about a program regarding incorporation of low-emission vehicles—or maybe zero-emission vehicles—into the ESA fleet. Where is that up to?

Mr Phillips: The work on bringing on additional ESA vehicles?

MR WERNER-GIBBINGS: Yes. I understand there is a general program about incorporating zero-emission vehicles into the ESA fleet.

Mr Phillips: We have a vehicle replacement program to bring in additional electric vehicles to our fleet to do our part in reducing remissions towards zero emissions by 2040 in the ACT. We will take that question on notice for the exact details of that program for you.

MR WERNER-GIBBINGS: Okay. This might be another one. Are there plans to do more future feasibility work on additional vehicles?

Mr Phillips: Yes. We have plans to bring on more electric vehicles into the fleet of the four services as budget proposals are successful in the ACT government. Future proposals, if successful, will bring on extra electric vehicles for our agency. We are very keen to do that.

MR WERNER-GIBBINGS: What role do zero-emission vehicles play now in ESA's vehicle fleet?

Mr Phillips: We have three electric vehicles at the moment. We have a number of passenger car vehicles in the media team and some vehicles in the corporate side are electric. There is also a hybrid fire truck which has been implemented in Fire & Rescue ACT, as well as an electric breathing-apparatus truck. There are some problems at the moment—which have been public—with Volvo. They are the vehicles we currently have in the fleet.

MR WERNER-GIBBINGS: Is that 10?

Mr Phillips: Maybe. I will take that on notice.

MR WERNER-GIBBINGS: Thanks. I will wait for that.

MR RATTENBURY: This has been in the media a little bit. I was encouraged to hear you on the radio the other morning referencing some of the co-benefits of these vehicles. Aside from their emission reduction, I heard you talking about diesel particulate reduction and the like. Can you tell us a bit more about that?

Mr Phillips: Yes. That is something that I am more keen on, rather than our reduction in emissions.

MR RATTENBURY: I appreciate that.

Mr Phillips: I take it I am talking to a Greens member! The immediate protection of our firefighters is probably where I think the biggest advantage of that is, when we go to the ergonomics of the truck: access to and egress from the truck; the ease of getting breathing apparatus from the truck; and access around the truck with regard to getting tools and equipment when they are on the side of the road at a motor vehicle accident or a housefire.

One of the other immediate effects is diesel particulates. I am probably leading to other questions, but we have had some problems with diesel particulates in fire stations over many years—over my lifespan as a firefighter as well. Any time we have the opportunity to reduce diesel particulates is good. Starting a diesel truck within a fire station or any enclosed area is not good for one's health. The electric trucks can start up in a station and there is a reduction in diesel particulates. There is another big advantage that I see regarding diesel particulates, particularly at the scene of a motor vehicle accident, for instance. Those scenes are already very harrowing for both the victims of a motor vehicle accident and the first responders. You would not have equipment that is spewing out diesel particulates around the site, and it is also silent while we are sitting there. Paramedics, police and firefighters can go about their work to extract the victims of motor vehicle accidents and do the work in safety. That is a big advantage for not just the climate, of course, but also our firefighters, paramedics and police who do work around those vehicles.

THE CHAIR: Noting that the hybrid electric truck cost, I think, \$2.2 million in 2020—

Mr Phillips: It was \$1.6 million, I think.

THE CHAIR: Thank you. What has the expense for that vehicle been since that time to keep it available?

Mr Phillips: I will hand that question over to Cherry Wang, our finance EBM at ESA.

THE CHAIR: You can take it on notice or answer it later in the hearing.

Ms Wang: We can answer that. Thank you very much for the question. I have read and acknowledge the privilege statement. In terms of the actual expenditure for the hybrid electric truck, we have spent \$1.82 million to date. The total budget for that one is \$1.91 million.

THE CHAIR: How many times has it been deployed since we got it?

Mr Phillips: I could bring up the Chief Officer of Fire & Rescue for the full details of deployment. It will be in the implementation stage, with agreements from the United Firefighters Union, until it commences work at Acton Fire Station, but it has been deployed jointly with West Belconnen Fire Station while it is in its implementation stage.

THE CHAIR: Thank you.

MS MORRIS: Is that truck currently operational?

Mr Phillips: It is not operational.

MS MORRIS: When will it come back online?

Mr Phillips: I will bring up Chief Officer Matthew Shonk.

Mr Shonk: I have read the privilege statement. The electric truck is currently off the road. We are waiting on a part to be delivered from Brisbane—it is expected in the next few days—and we expect it back on the road very soon. We were having it run out of West Belconnen Station, along with another truck, to provide proof of concept, with this being an innovative new way to deliver a service in the ACT. We wanted to make sure that it was safe for both firefighters and the community. It has responded to 17 incidents during the time it has been shadowed by another truck. We have not encountered any problems during that time. A number of them were structure fires. There were a number of other legislative responsibilities that we covered during that time. Other elements have been covered: long drives to Goulburn, pumping hours—all sorts of things that we think replicate operations. By putting it on the road, we cannot replicate every scenario, so we do a few things to further our confidence in that vehicle ahead of it going on the road.

We have been training consistently over the last 12 months when the vehicle has been available. Frankly, we have flogged that vehicle because it is the only one that we have, and we have to train the entirety of our workforce in its use. It has done in excess of double what our normal pumps are doing. It has undergone a fair bit of maintenance,

but I believe that maintenance is in proportion to the workload that it has endured over the last few months.

MS MORRIS: When it does become operational again, do you anticipate that it will be able to work independently or will it still need—

Mr Shonk: Absolutely. That is our aim. When we get to—

MS MORRIS: From the get-go or is there still a transitional period?

Mr Shonk: From the get-go. That is what we have been doing. Over the last 12 months, we have trained 77 per cent of our operational staff in it. When we hit 80 per cent, we believe that it will be ready to go. Proof of concept will have been shown and we will have enough people to consistently staff that vehicle, so we will do so.

MS MORRIS: You said it will be operational very soon. Can you give us something harder than that, given it has been offline for a considerable amount of time?

Mr Shonk: We are at the mercy of the parts being delivered and the truck being repaired from the current fault that it is showing. Given that, as soon as it is back in our hands—and I would say that, within two weeks, we would be at 80 per cent—we will cease shadowing that vehicle.

MS MORRIS: Thank you.

MR RATTENBURY: Thank you. I was interested in your comments, Mr Shonk, about having flogged the vehicle. For Ms Wang, I am interested in whether you have any comparison of operating costs between this vehicle and a comparable standard diesel vehicle. Is that something, perhaps, that you could provide on notice?

Ms Wang: Yes. In terms of the operating costs, obviously there will be some saving in terms of the fuel. I could not quantify, at the moment, how much that will be, because, obviously, this is a very new vehicle. In terms of the staffing, I believe that will be very similar to what we have for the normal—

MR RATTENBURY: I will ask you in 12 months time.

Ms Wang: Yes.

MR RATTENBURY: Here is a warning: next year I am going to ask this question!

Ms Wang: Assuming, that the fuel cost is based on the current fuel price, that will be about \$10,000 per month; multiplied by 12 that would be \$12,000 estimated savings—

MR RATTENBURY: \$120,000, yes.

Ms Wang: Yes.

THE CHAIR: Thank you.

MS MORRIS: Could I just ask for a point of clarification in response to Mr Cain's question. With the figure that you provided, does that include maintenance costs?

Ms Wang: The figure I provided, the previous figure, is just to acquire the actual fire truck and also the fit-out. In terms of the maintenance costs, that is not included in that initial acquisition.

MS MORRIS: And what is the maintenance cost?

Ms Wang: That is a little bit hard to estimate at the moment. Obviously, it is very new. It is currently under warranty, so some of the repair work has been done by the vendor.

MS MORRIS: Could you come back to the committee on notice, perhaps?

Ms Wang: Sure.

MR RATTENBURY: Maybe you can ask her next year when we do this line of questioning.

THE CHAIR: Mr Braddock?

MR BRADDOCK: Is there anything in your contract with Rosenbauer for that appliance about showing its availability on the road and in service for a minimum number of days per year?

Mr Shonk: I would have to take that on notice.

MR BRADDOCK: Thank you.

MR RATTENBURY: My question is directed to ACT Policing. The sexual assault police process review did make a number of critical findings of previous conduct by ACT Policing, and I certainly welcome the response from ACT Policing to address those issues. I wanted to follow-up on that and ask how has education and training for police around some of those issues, particularly the reliance on rape myths in decision-making, been strengthened since the review was completed? How are you measuring the efficacy of that training and process as we move forward?

Dep Commissioner Lee: Thanks, Mr Rattenbury. I will start in terms of your question. I will ask the Acting Deputy Chief Police Officer to come up as well, who can provide some more detail. Certainly, at the moment, at the present time, in addition to the capability uplift that we continue in response to the review, we continue with our existing sexual assault investigations in terms of reports of crime that are being provided to us. We are seeing an increasing number of complaints that are being made to us, increasing demand, which at the present time means we have recently put a surge of members into our sexual assault area to respond to that demand. In about April/May, I will re-prioritise across ACT Policing to establish a fourth dedicated team in ACT Policing in SACAT.

Separately to that, obviously, we are continuing with the Operation Foster work, which was the backlog of historical cases. There is certainly significant progress in both of

those, which we can certainly step you through in some detail if you wish. Then, obviously, we have continued to evolve our process improvements, our training and our systems in terms of how we deal with sexual assault matters.

As you will be aware, part of that did relate to a comeback on some of those recommendations. We are, obviously, working with other ACT government stakeholders and speaking with the minister about options for government in relation to implementation against those recommendations, which we are hoping in the future will continue to deliver a sustainable sexual assault response model, not only for ACT Policing but across the sector as well, and provide a better outcome for the victim-survivors.

I will pass to the Acting Deputy Chief Police Officer, who can step that through in a bit more detail.

MR RATTENBURY: Thank you.

Asst Commissioner Bailey: Thank you. I have read and acknowledge the privilege statement, Chair. In regard to decision-making, Mr Rattenbury, and the model, I think there are a few important things to discuss, and one is the completion of the test-to-charge and dissemination and training for the workforce, which are important. The criminal investigations area has a criminal investigations management committee, meaning any sexual assault matter due for finalisation must be considered and approved by them. It absolutely can go to court, but if it is to be finalised without prosecution, it must be double-checked. We put a detective inspector in charge of that capability to provide that extra oversight, knowledge and capability uplift.

We have also put a dedicated sergeant into a capability uplift area, looking at previous reviews we have done, mapping that across board of inquiry and across the SAPR review, and providing all over quality assurance for the area. A number of the internal reviews that were underway as SAPR was completed led to what I think is some Australian-leading training developed by Dr Patrick Tidmarsh, which we have been fortunate enough to have other police now want to attend and look at for the benchmark. Online reporting has also opened up to open up access to other victims and to cut down some of those jurisdictional barriers for people who have left the ACT.

Did you want an update on Foster, Mr Rattenbury?

MR RATTENBURY: Sure, thank you. If you have that ready to go, that would be great.

Asst Commissioner Bailey: Operation Foster was the review conducted between ourselves, Victim Support ACT and the DPP—169 matters for potential reinvestigation. That dataset was finalised. Out of those matters, there are 17 matters which have now been finalised by the Foster team. That is either due to the victim not responding to police contact or being unlocatable and uncontactable. Six further victims were successfully contacted by Victim Support ACT, which are doing that intermediary role for us, and they voluntarily withdrew consent for further prosecution. Seven matters have now had some final investigative touches put on them, not meeting investigative thresholds. Eleven matters are before the court with some considerable results—public

transport, an Uber driver and some sporting coaches—and one with over 50 historic offences. Five further matters are under review in that first tranche. As they are completed, Mr Rattenbury, Victim Support ACT will work with ACT Policing to contact further victims there.

Dr Paterson: I commend the work of ACT police on this. The Sexual Assault (Police) Review was groundbreaking work in Australia, in terms of opening themselves up to this level of scrutiny on these past offences. What you are hearing about is the level of work and the response to these recommendations that will ultimately serve victim-survivors in the ACT better.

MR RATTENBURY: I agree with you, Minister. I think it was a difficult report for ACT police, but the spirit in which it has been embraced has been very valuable for the whole community. I acknowledge that as well.

I have a couple of quick follow-up questions. Thank you for that; that was really comprehensive and I appreciate it. I am interested in, going forward, what measures you have put in place to track that what you have done, which is comprehensive and good, is delivering what we aspire for it to deliver.

Dep Commissioner Lee: I probably have two comments. Internally, for ACT Policing, we are continuing to monitor our charge rates and our attrition rates, in terms of prosecution. As you would know, Mr Rattenbury, from the time when an offence is reported to the clearance of that matter, and once the investigation proceeds and it gets to prosecution, that can be a little bit fluid, in terms of the more immediate years. Certainly, with our attrition rates, we have seen a significant improvement from the period of the case review, from 1 July 2020 to 31 December 2021. We have certainly seen a positive improvement in that regard.

The work that we are doing with other ACT government partners, including the domestic and family violence coordinator, is around what success is for a victim-survivor that is broader than just a prosecution outcome. As we know, there are victim-survivors that are looking for more than just a prosecution. That may well be the case, and we want to ensure that, between us and our other criminal justice partners, we can deliver that. But there is some work that we will do under the SAPR work, as SAPR progresses, around a broader set of measures of success for the outcomes that will be delivered.

MR RATTENBURY: Assistant Commissioner Bailey, you spoke about this review point, if a matter is not to go to a charge. Can you tell us about that in a little more detail?

Asst Commissioner Bailey: In terms of an investigator finalising a matter?

MR RATTENBURY: Yes.

Asst Commissioner Bailey: They are required to prepare a minute for the committee that details the strength of the case, the available evidence and their proposal, if it is to be finalised. Some of that would include, of course, consultation with the DPP around the strengths and weaknesses of the case. That committee, consisting of the independent

inspectors and the superintendent, will provide final oversight of that.

Just to reiterate what the CPO said, we are definitely seeing apprehensions increase, we are seeing charges increase, and we are seeing victim withdrawal decrease. The data indicates that will continue into the new year, so that is very welcome. With the SAPR recommendations, things like the independent sexual advisory, which will take the form of that or of an advocate, and the case finalisation conferences, will all add additional layers of oversight and assuredness to the process.

MR RATTENBURY: We heard from the Director of Public Prosecutions last week. We had a trial of an embedded prosecutor with the SACA team. The DPP said that has now come to an end. She was very positive about that and said that that role had served its purpose. I want to seek your reflections on that trial process and your comfort with the current set-up.

Dep Commissioner Lee: Certainly, I am very comfortable in terms of the arrangements we now have in place with the DPP. It was a critical strategy and a critical measure immediately after the SAPR report, in terms of building the stronger relationship and the partnership that we need between our SACAT area and the DPP. It certainly served its purpose, Mr Rattenbury.

In terms of that partnership between our SACAT and the DPP, our SACAT matters are being referred into the DPP. Obviously, as per the director's comments going to a number of members within the DPP, and more experienced prosecutors as well, I think we have a very constructive arrangement in place there and a solid partnership in terms of how that works between ACT Policing and the DPP.

MS MORRIS: In November last year, AFPA members voted in favour of an 11.2 per cent wage increase, which is very welcome news. I am sure we all wish it could have been more, given the very generous incentives that officers are being offered over the border. Since that new enterprise agreement was adopted, how much has that cost?

Dep Commissioner Lee: The cost of the EA?

MS MORRIS: Yes.

Dep Commissioner Lee: I will ask Mr Whowell to come to the table. Certainly, in terms of ACT Policing, with the actual cost at the present time, some of those costs will be evident to us, in terms of the budget. Some of those costs are yet to be determined. Certainly, with some of the allowances that were provided to our members, because of the complexity of the allowances and the adjustments to the rostering and payroll system, they only commenced being paid on 13 February. They have been back-paid to the date of the EA.

Some of those full costs will not be in our system at this stage. There will be other costs around our rostering practices, the penalties and other conditions that sit within our EA at the moment that our members have been receiving or will be receiving shortly, but they also will not be in our system at this stage. I will hand over to Mr Whowell regarding how much of that cost we can articulate for you, but we may need to take it on notice and come back to you, once we have a more fulsome understanding of those

costs.

Dr Paterson: I add that, in the 2024-25 budget, the minister for police sought \$94.542 million across five years to meet the costs associated with the enterprise agreement. Obviously, the agreement that was negotiated came in slightly above what was predicted, which is great for ACT police. That is why we have sought to provide additional funding of \$9.658 million to upgrade these pay increases in the current budget review process.

Mr Whowell: I have read and acknowledge the privilege statement. I cannot add anything to what the minister said. That is what I would have added.

MS MORRIS: When that final figure is determined, will there be an additional appropriation for that as well?

Dr Paterson: Yes. There is an additional appropriation before the parliament at the moment in the budget review process.

MS MORRIS: On recruitment targets and strategies, how many new officers were recruited in the 2023-24 reporting period and the current one?

Dep Commissioner Lee: Certainly, we have been appreciative of the additional investment from government, with their More ACT Policing Initiative, which initially provided 126, and now there is an election commitment for 150. We have certainly been recruiting to that investment. As well, this year, we have identified some additional efficiencies to provide some additional staff within ACT Policing, within our budget profile. I will pass to Mr Whowell—

MS MORRIS: Efficiencies?

Dep Commissioner Lee: Our workforce profile, in terms of the actual cost of our people based on experience levels et cetera, where we have had some movement in our workforce; we have identified some additional efficiencies in that budget line to recruit some additional staff. I can pass to Mr Whowell, who can step you through those figures for the 2024-25 financial year and the forecast recruitment for 2025-26.

Mr Whowell: In terms of the forecast recruit courses for this year, 2024-25, a course commenced on 15 January this year with 26 recruits. They will graduate on 5 July this year. Our next course will commence in July and graduate in September. With the arrangements—this will sound odd—we only have one recruit at this stage on that. That is just the way the classes work. In September, we have 17 commencing; they will complete their course in December next year. We are in the forward plan for all of AFP recruitment over the next financial year to meet those mapped targets. The total that we looked at this morning was around 100 new recruits for that period of time.

MS MORRIS: How many officers have left the workforce over that time?

Dep Commissioner Lee: At the present time our attrition rate for our sworn police officers is at 4.8 per cent. However, being part of the broader AFP, we also have a number of members that look to transfer into the broader AFP to undertake some

national or international experience. At the present time, with the combination of attrition in terms of resignations or people moving into the broader AFP, that attrition rate sits at 8.2 per cent of the workforce.

Previously, that had been a much higher figure. For the past two years, it had been at around 18 per cent per financial year. We have intentionally put in place an adjusted workforce planning target to achieve a balance between allowing our people the development opportunities to move out of ACT Policing, while looking for people to come back into ACT Policing, and ensuring that we maintain the requisite experience and continuity within ACT Policing for our service delivery. At the moment, we have that attrition through resignation, as well as some of the transfers into the broader AFP. There are two figures there, Ms Morris.

MS MORRIS: Perhaps you could come back on notice with the actual numbers for the attrition.

Dep Commissioner: We can do that; absolutely.

Dr Paterson: Now is a really exciting time to join ACT Policing. There is a lot of really good work going on, and a lot of opportunities for people within the police.

MR BRADDOCK: The Greens supply and confidence agreement with the Labor Party included a commitment to “establishing a mechanism for people without private health insurance to not incur an ambulance service emergency call-out fee”. Has any work commenced on this or has any consideration been made?

Dr Paterson: I will hand over to the commissioner to outline the work.

Mr Phillips: Chief Officer Howard Wren, who I note is at his last hearings ever, in his whole career of 51 years, is coming to the table. Some preliminary work may have been done a couple of years ago.

Mr Wren: I have read and acknowledge the privilege statement. Could you repeat the question?

MR BRADDOCK: My question is: has any consideration or work been done on the commitment to establish a mechanism for people without private health insurance to avoid the ambulance service emergency call-out fee?

Mr Wren: Apart from, as the commissioner mentioned, some preliminary work that was done a couple of years ago, this has not been the focus of any recent attention. At this stage what we have focused on, each year that goes by, when the fees and charges are reviewed—and they are reviewed on an annual basis—is to look at groups in the community that are particularly vulnerable, and we have put forward a case each year to have an automatic waiver for people who fall into those groups.

Every year, pretty much, in the 7½ years that I have been in this job, we have added to that list, based on representations that people have made to us and to Shared Services Finance in terms of financial hardship. You can identify trends, and we have put forward a case each year and added to that list.

MR BRADDOCK: You mentioned those trends. What are the latest trends that you have been observing?

Mr Wren: In particular, people who may not have chosen to have an ambulance called for them—people who are in custody or people who are subject to a mental health order. The legislation states that the recipient of the service is responsible for the bill, regardless of who may have called the ambulance in the first place. We identified that as a concern some years ago and added them to the list.

That was further expanded to people who may have had an ambulance called by another emergency service. It may have been the fire service that called for them on their behalf, or the police called for them on their behalf. On occasions, they may not have known that someone had called an ambulance on their behalf, but, as the recipient of the service, they still got the bill. We had identified that that was a consistent theme and added them to the list a number of years ago as well.

MR BRADDOCK: Thank you; and thank you for your service.

Mr Wren: Thank you very much.

Dr Paterson: I would like to thank Mr Wren for his service to the ACT community. There is a recruitment process for the next commissioner, who I will look to work with closely on this.

THE CHAIR: What is the fee?

Mr Wren: It is \$1,078, currently, if you are transported. The slightly more problematic fee, in one sense, if you receive a bill, is where we turn up and just take your blood pressure, and do not transport you; there is a \$700 fee there as well. That is often the cause of some concern.

Dr Paterson: Mr Cain, in relation to Ms Morris's question on police separations, in the 2023-24 financial year, there were 69 separations from retirement, resignation—individuals leaving—and terminations. Between 1 July and December 2024, 26 ACT Policing members separated from the organisation.

MS MORRIS: Nearly every other day, we are hearing stories in the media about alleged offenders who have breached bail conditions. Can you tell me about the impact this is having on operational duties of frontline officers? How much of their workload is being directed to rearresting offenders in the community who are on bail?

Dr Paterson: ACT Policing is being proactive in developing strategies to target recidivist offenders, including the community policing proactive intervention and disruption team. This is also established within the road and proactive policing portfolio of ACT Policing. This includes the work that Operation TORIC was doing a couple of years ago. I will hand over to the CPO to talk further about this team and the intelligence-gathering mechanisms associated with it.

Dep Commissioner Lee: What I would say from the outset is that matters of bail are a

matter for the court. We will certainly put our view to the court in terms of where we oppose bail. Certainly, we do that regularly. Ultimately, we respect the decision of the court. If we believe that there are grounds for appealing that bail decision, we will do that, in consultation with the DPP.

In terms of the proactive intervention and disruption team that the minister talked about, there are two components to the PIDT. One is Operation TORIC, which focuses on recidivist offending and high-risk offenders in our community. Importantly, with Operation TORIC being based within the PIDT, it also aligns and is complementary to an intervention disruption team that we have within the PIDT that looks at longer term solutions for these individuals that provide a more immediate or longer term outcome. A key element of that is a case management process that we have in place with other whole-of-government agencies here in the ACT—housing and other support services that can be provided to these individuals.

MS MORRIS: I am trying to get an idea of how much of your officers' time is being spent rearresting.

Dep Commissioner Lee: In terms of the PIDT—and I will talk about this in terms of an end-of-financial-year figure—in relation to Operation TORIC, from 1 August 2022 to 30 June 2024, 492 apprehensions have been made under Operation TORIC. Of those that were apprehended, 198 of the alleged offenders were on bail, and a number of others were subject to other corrections orders. In terms of the breach of bail—

MS MORRIS: Do you have that number?

Dep Commissioner Lee: I do have the breach of bail apprehensions for 2023-24. It is 1,184. Year to date for 2024-25, it is 676. In relation to those individuals, there is a breakdown of what those offenders were on bail for. But they are the arrests that we have made over that period, over the last 18 months, in terms of individuals that have been on bail.

MS MORRIS: Sorry; the arrests that you have made—

Dep Commissioner Lee: Those figures are apprehensions by ACT Policing for offenders where there has been a breach of bail.

MR RATTENBURY: Chief Police Officer, do you keep data on the nature of the breach for which a person is then arrested? There is obviously a spectrum from committing another offence through to failing to report as required. Do you have a dataset on that?

Dep Commissioner Lee: I would need to take that on notice, Mr Rattenbury. Certainly, some of that may be available, but some of it may be purely a manual process, which means it would be very difficult for us to be able to extract that from our system.

MR RATTENBURY: I understand. I think it is important, in the context of the line of questioning that Ms Morris was asking about. There is obviously a material difference between somebody committing a new offence and missing the bus and not turning up for their slotted time.

Dep Commissioner Lee: That is right. I am happy to take that on notice and provide advice to the committee on what breakdown we believe may or may not be achievable.

MR RATTENBURY: Thank you.

Mr Johnson: There were discussions in other inquiries. One of the challenges, to be clear for the committee to understand, is that whilst it might result in a police arrest, there is no offence for breaching bail other than failing to appear in court as a result of the bail requirement. As a consequence, if you reflect on the fact that the court might contemplate a return to court as a result of a bail matter, the court will not make a decision to find their offence proven or otherwise in a bail matter. They will either restate bail or change bail requirements.

Some of that detail about what the breach of bail is—whether it was failure to appear at the appropriate time or something more serious—is not necessarily clear, particularly in the court’s data. We will certainly do our best to provide what we can on notice. There are some challenges in terms of the machinery of the system and a recognition that there is no actual offence for breaching bail, other than failing to appear again, should you not appear in court.

MR RATTENBURY: Yes; thank you. You mentioned you have a breakdown of the offences that people were charged with while they were on bail, who then got picked up again?

Dep Commissioner Lee: Yes.

MR RATTENBURY: You have a breakdown of that. Can you provide that on notice as well, while you are doing the other piece of work? That would be helpful.

Dep Commissioner Lee: Absolutely.

MR WERNER-GIBBINGS: Bushfires: this season, it appeared, from an ACT perspective, that it has not been as catastrophic so far. How is the ACT learning or implementing new or improved strategies for dealing with bushfires? What is the process for gathering evidence and updating its response strategies?

Mr Phillips: Thanks for that question. I will guarantee that the rest of this bushfire season will not be catastrophic. I will hand over to Chief Officer Rohan Scott to elaborate on our bushfire preparedness and how we continually learn nationally and internationally about being best prepared for the ACT.

Mr Scott: I have read and acknowledge the privilege statement. If you look at the last 21 years, since the 2003 fires, there has been significant improvement in the way that we model fire risk in the ACT, how we respond to it, and then how we also try and reduce the risk. We have better planning of our suburbs, better housing construction and better vegetation types that we use in our landscaping. We have bushfire management standards, which allow a manageable piece of land between the urban interface and the forested areas.

Our fire detection has increased, with the use of fire detection cameras. Our aviation assets have increased, and we use a different range to give us not only a vegetation overlay and ability to look at our levels of vegetation, but also real-time intelligence that we can use in the event of an incident. We have better ways to map fire, vegetation, fuel loads and fire modelling. We have the advancement of the Australian Fire Danger Rating System, which is now a national model, which has been improved in the last couple of years, and we are part of that nationally.

From a lessons learnt perspective, we are always looking and learning not only from us locally, but also from the Black Summer fires and, recently, the LA fires, which happened in the last couple of months. We will be looking at what has come out of that. Interestingly, they have reached out and seen how the ACT has adapted since our devastating 2003 fires. Nationally, we work very closely with Natural Hazards Research Australia and the AFAC, which is an overarching body for emergency services.

We are constantly evolving. We have had some benign seasons in the last four years, since the devastating 2019-2020 season. But the way that we are looking now, it is a risk appetite as to where we can improve that risk reduction—what activities we can do to reduce that risk to the territory and the community, whether that be hazard reduction, burning, slashing or physical removal. There is some strategic grazing that is currently occurring.

From where we have come from 2003 to where we are now, it is a significant improvement. As we move into more challenging seasons then there is a lot of scope for us. The next version of the Strategic Bushfire Management Plan, which is currently being drafted, will also pick up some of those new lessons learnt and new technologies and innovations, which we will see as the climate starts to change.

Mr Phillips: It has not just been an ACT focus; since the last 20 years, the national focus has been about how to cooperatively fight fires together. Under that, we have the National Resource Sharing scheme; NIEM has been established. We have a whole matrix of firefighting and communications through the radio networks. There is shared responsibility across borders—as we know, fires do not recognise borders—right down through the east coast.

We have been involved just recently in sending resources down to the Grampians—strike teams down there. We sent resources to Tasmania, helping with their bushfires now. That crosses over to storm and flood, of course; we have sent 40 SES volunteers to Townsville to help with the tragedy up there with the cyclone.

When we look at our bushfire preparedness, we are not on our own here. We are an island within New South Wales, of course, but we are also part of the matrix of the greater New South Wales firefighting. We have a good relationship with New South Wales RFS, Fire and Rescue New South Wales and New South Wales SES. That works collaboratively, and also down across the border with the CFA, Fire Rescue Victoria, and parks and forests in Victoria as well.

A lot of things have changed, particularly in the last 20 years, in regard to a national approach to bushfire preparedness.

Dr Paterson: There is the air support that has been based in the ACT over the summer.

Mr Scott: Yes. The ACT contracts three aviation assets for the duration of up to 84 days. We can extend if needed. We currently have three aircraft. Two are Helitacks, as we call them, with a belly tank winch capability, and the third is our specialised intelligence gathering, which is a significant change in technology regarding what we have introduced into our capability. It has thermal imaging, real-time video which can be streamed into the fire ground or into our incident management teams.

We also have access to the national fleet, which is large air tankers and larger helicopters. We also have a large air tanker refuelling base at Canberra Airport in the ACT, which has been used this season to fill large air tankers, which are those C-130s or the 737, which then goes and assists either New South Wales or Victoria.

It is a collaborative approach to the use of aviation assets. The generous support from ACT government which allows us to have our own dedicated assets here gives us a good capability to detect fires early. After a lightning band goes through, we will send up the SIG, which has the infrared; so we are picking up fires that typically would take a couple of days to be noticed after a lightning band has gone through. It is reducing that potential for a large-scale fire, which then could have the potential to impact the community.

Again, the use of the aviation assets is a key capability not only for us but for Australia. As we start to use them more and more often, we are starting to learn as to the best way to use those, to the point where, next fire season, we hope to have our drone capability up and running, which will give us a greater asset in the air. It will give better intelligence gathering, better mapping and better oversight for not only the incident management but also the firefighters on the ground.

Mr Phillips: With respect to one of the proactive approaches to our fleet, over the summer period, Rohan proactively sent up a helicopter, after lightning strikes down through Wee Jasper. It is really important to touch on that. The helicopter detected a fire in the Wee Jasper area that may have gone undetected in previous years for days. With that, we were able to notify RFS in New South Wales, and we sent crews along, to get on top of that fire pretty quickly.

MR WERNER-GIBBINGS: You mentioned that the strategic plan has been drafted?

Mr Scott: Correct.

MR WERNER-GIBBINGS: Who is drafting it? When will it be finalised, roughly?

Mr Scott: With the Strategic Bushfire Management Plan, the current one is version 4, and it is a five-year plan. Version 5 has been drafted. There were working groups set up. There was a review of SBMP version 4. Those directorates that are involved with strategic bushfire management, because it is a whole-of-government plan, have been through a series of facilitated workshops. They were then broken down into themes, with subject matter experts from those respective directorates. It has currently finalised its draft, to then go through the government process before public consultation. Once that has passed through cabinet, we will be replacing strategic plan 4, and strategic plan

5 will become active.

MR WERNER-GIBBINGS: Strategic grazing: is that goats?

Mr Scott: No. New South Wales use goats. For the record, I used to be a champion goat handler back in my day, so I am a bit favourable to goats!

MR WERNER-GIBBINGS: My father-in-law is in the RFS, and he is very big on goats.

Mr Scott: Yes. In the ACT, they tend to use cattle, but goats are very effective, particularly with the management of blackberries. They are quite good on the environment, too, because they do not have the impact of a heavy-hoofed animal.

MR WERNER-GIBBINGS: Where do you undertake strategic grazing with cattle in the ACT?

Mr Scott: Through the land that is managed by EPSDD, through the grasslands and through some of the forested areas. It is another strategy that we use. A lot of the media outlets typically look at hazard reduction burning, but the other strategies that are just as effective and that are used more often involve strategic grazing, slashing, chemical treatments or physical removal, where crews go in and remove those finer fuels. Even our native animals, our kangaroos and the like, are doing strategic grazing for us by keeping those grasses down.

MR BRADDOCK: You referred to the Los Angeles fires, which were unprecedented Northern Hemisphere winter-based fires. Are you seeing or expecting any impact on the regular exchange of capabilities and resources we have between the Northern Hemisphere and the Southern Hemisphere in terms of covering the fire seasons?

Mr Scott: For the last couple of seasons, we have deployed crews to both Canada and the US. There is that reciprocal arrangement where we can give physical resources, and they assisted us during the 2019-20 season. As we are seeing these seasons overlap—and that devastating fire in LA was during their winter period, when it is quite unusual to get that type of fire behaviour—the NAFC, which is the National Aerial Firefighting Centre, have deliberately, through commonwealth funding, got national assets, so that we have capability for aviation year-round. There was a challenge where our assets were doing the Northern Hemisphere and the Southern Hemisphere, and those overlaps were becoming quite challenging.

We have deliberately looked at local assets, and increasing the capability here in Australia. All three of the aviation assets that the ACT currently contract are Australian based. We have sole access to those during the fire season for our 84-day contracts when needed.

MR BRADDOCK: It is not impacting the ACT government's resources, but it is impacting that national level, in order to make sure Australia's needs are met?

Mr Scott: That is correct. We were starting to see a significant impact, just in the availability, but that national fleet has now reduced that to a certain extent. But, due to

the current contracts with the companies that we have, the ACT assets are not impacted.

MR RATTENBURY: My question is for ACT Policing. The ACT government's 2024-26 action plan for the Capital of Equality Strategy includes a focus area on collaborating with ACT Policing to enhance relationships with LGBTIQ+ communities. In looking at the annual report, I did not see any reference to that area of work, so I was hoping you might be able to tell the committee what work has been done in that space.

Dep Commissioner Lee: Yes. Certainly, we have had a range of engagements, as we do through our community engagement area, with the LGBTIQ+ community. That has been ongoing for some time. We have only recently established a dedicated liaison officer. Maybe the Acting Deputy Chief Police Officer could come to the table, to correct the date here. I think it was in October 2024 that we established that role.

Certainly, that has now been ongoing. We look to regularly engage in those community events where we can and where it is agreed. We had an issue where we were looking to negotiate an ACT Policing presence at the SpringOUT Festival last year, which was not agreed. We have been doing some work with the organising committee, looking at other opportunities for us to engage with the community and build that stronger relationship and trust with that community.

For us, a key mechanism, in addition to what we have been doing through our community engagement area, has been the establishment of that liaison officer role to ensure that we can do more in that area. I will ask Assistant Commissioner Bailey about the date of establishment of the LO.

Asst Commissioner Bailey: I would be searching my memory; I believe it was around November last year that that position was filled. We had one in existence, but it took a little while to find the right candidate with the right background to fill that.

MR RATTENBURY: You have touched on it a little bit; perhaps you can elaborate on what their role is. What are their day-to-day parameters of work?

Dep Commissioner Lee: In terms of that liaison officer role, they are purely focused on building those relationships and those networks with the LQBTIQ+ community. They are certainly engaged with the leadership of that community and the organising committee in that community, looking at strategies and initiatives where we can enhance our engagement, and opportunities for us to deepen that engagement and ensure that that trust is there.

Certainly, from my perspective, I am extremely focused on us being able to re-engage with the SpringOUT Festival. I think those are the issues that we need to work through, to ensure that we can have that dialogue, we have that trust and we can have that presence there, so that there is an inclusiveness that involves the police in terms of that engagement.

MR RATTENBURY: I appreciate you mentioning the trust issues that led to the SpringOUT incident. I am interested to hear what you think the important steps are to overcome that gap. I welcome the appointment of a liaison officer. I think it is a positive

step. How do you ensure that the reputation of that individual flows through to the rest of the force, in terms of people having that confidence to make a call, knowing that they will not necessarily get to speak to the liaison officer?

Dep Commissioner Lee: I might pass to Assistant Commissioner Bailey on that, in terms of the increased depth around our liaison officer role and that broader access into ACT Policing.

Asst Commissioner Bailey: One point I would have made about that dedicated officer is that they fulfil a similar role to our First Nations liaison officers, in that investigators have access and are able to gain a better understanding of the community they are dealing with, and having regard to some of the reticence that that community might have in coming forward. It is definitely a bridge builder and a capability improver by increasing their knowledge in the workforce.

MR RATTENBURY: Do they run training or outreach programs with your staff, or do they rely on people coming to them?

Asst Commissioner Bailey: We do have existing programs. Information is regularly disseminated to the workforce about the various capabilities—multicultural, LGBTIQ+, FNLOs and regularly reinforced training days. There are the parade briefings that go onto the screens in the station, so they are constantly reinforced.

MS MORRIS: In March last year, the Rebels held a mass gathering in Canberra. Last year, we also saw Comanchero bikie gang members descend on Canberra for their annual meeting. And, just a couple of weeks ago, we had Hells Angels bikie members also descend on Canberra. So it seems that Canberra is a very popular destination for outlaw bikie gang members. Does it concern you to see so many outlaw motorcycle gang members descend on Canberra?

Dep Commissioner Lee: In terms of ACT Policing, we operate and we police within the legislation that we have in the ACT, and obviously that is a matter for the Legislative Assembly. Certainly from our perspective, any gathering of outlaw motorcycle gangs does concern us, so we ensure that we have appropriate policing arrangements in place in the ACT, particularly proactive policing arrangements and visible policing arrangements in terms of how we manage those runs in the ACT. We do that very much in partnership with our NSW Police colleagues as well. I note that Strike Force Raptor in New South Wales has a strong brand in terms of the disruptive taskforce that they have in place. There is a Raptor South now that we engage with heavily. We certainly partner with them in terms of the runs into the ACT, as we did recently with the Hells Angels run in the ACT.

We certainly ensure we have a visible police presence. We put disruption aspects in place where we can, and that includes our road policing activity, vehicle checkpoints, and ensuring that their behaviour in the ACT is lawful and minimises impact on the community in the ACT, notwithstanding that these individuals are in organised crime, so we deal with it very much in that context.

MS MORRIS: Why is it that the ACT is so attractive to bikie members? Why are they choosing Canberra, of all places in Australia, to congregate and have their annual

meets?

Dep Commissioner Lee: As I said, it is a matter for the Legislative Assembly in terms of the legislation that exists here in the ACT. Within the ACT, they can congregate and they can associate. That is part of the legislative framework that we have here. We operate within that, though, and, as I said, seek to do what we can to make sure that we manage it and ensure that we have a policing operation in place for that. There is an environment that allows them to do that lawfully, and, as is their right, they do that, and we police appropriately.

Dr Paterson: Ms Morris, what I would say is that the three instances in the last year and a half are perfect examples that ACT Policing do have the appropriate enforcement framework to be able to address these groups entering the ACT. I also refer you to a 2023 New South Wales review. An oversight body of the Law Enforcement Conduct Commission looked at their anti-consorting laws in New South Wales and they raised serious concerns about the over-representation of Aboriginal people, the use of the consorting law, and police targeting activity that does not fit the definition of coordinated serious criminal activity. We have been through this discussion many times. Basically, anti-consorting laws that have been implemented in other states are a disproportionate response. That is what the New South Wales law review committees are articulating. Basically, anti-consorting laws are inconsistent with human rights principles that we have here in the ACT.

MS MORRIS: So, were we to have anti-consorting laws in the ACT, we would not see events of this nature occurring in Canberra?

Dr Paterson: You still might see them, but they might be more undercover. I would suggest that ACT Policing's engagement with these groups actually gives them a greater intelligence base to be able to understand organised crime.

MS MORRIS: That is certainly one argument. How much have each of these events cost in terms of the diversion of police resources?

Dep Commissioner Lee: I would need to take that on notice, Ms Morris. With each of those runs, there was a significant policing presence to ensure that everyone understood that the police were in charge. I can take it on notice to see if we are able to extract that cost for you.

MS MORRIS: Thank you.

Asst Commissioner Bailey: I might be able to assist the CPO with the last run—the Hells Angels run. Approximately 120 members attended. There were 123 shifts over a three-day period. That included 24 road policing shifts and 21 NSW Police officers as well, as we work in collaboration.

I will add one more point. The other part of our response in the organised crime space, the OMCG space, is our local engagement with the ACIC and the greater AFP, in a joint management group, to identify priority targets for high-level organised crime. Then, at the national level, at the Assistant Commissioner level, the Transnational, Serious and Organised Crime Committee has a number of working groups across firearms,

organised crime, child exploitation and sexual offences, and that harnesses both the intelligence and the effort of the agencies, but weeks of action as well.

MS MORRIS: Thank you. To me, it seems to be an extraordinary diversion of resources for something which could be prevented in the first place with anti-consorting laws. I am interested to know your insights or analysis of the prevention of crime and the role that it plays in police officer duties.

Dep Commissioner Lee: You mean specifically to—

MS MORRIS: The role of prevention and deterrence in policing.

Dep Commissioner Lee: I might pass that issue to the Acting DCPO to provide some more context in that space around crime.

Asst Commissioner Bailey: Thank you. That is a great question. If we talk about general duties and the day-to-day response to crime that affects the community, as the CPO said, there is the enforcement aspect of what we do, and then there is the community engagement, crime prevention and education we do. Part of that is about addressing underlying factors: mental health issues, education issues, homelessness and inadequate housing. A lot of it is work with partners. The CPO mentioned the Proactive Intervention and Diversion Team and TORIC. Restorative justice is an important part of getting people into the space of understanding the nature of their behaviour and the impact it has on victims, There are SupportLink referrals for those underlying factors that we mentioned before, and early intervention. Last year, there were 225 early interventions for drug diversions. Fifty-eight were pre DATO enactment, and 167 were post DATO. Those are just some of the efforts in crime prevention by police.

Dr Paterson: Last term, ACT Policing moved to the Police Services Model, which is proactive policing—an intelligence-led policing model rather than purely being responsive. There was significant investment in that in the last term, and that has flowed on to the commitment to see more ACT police. It is about facilitating police to be out and about in the community, be proactive and responsive, be highly visible, and have the tools and technology on them and in their vehicles on the road in order to do the work out there, rather than having to come back to the station all the time.

THE CHAIR: On the diversion of police resources during the Comancheros gathering and the Hells Angels run, what was not being done by police because they were required to closely monitor those gangs?

Dep Commissioner Lee: In terms of the broader perspective of ACT Policing, when you look at the demands that we have across all crime areas in the ACT, it is a matter of constant prioritisation for any significant event or incident. That is also the situation when we have other major events in the ACT. I need to look at how we prioritise our resources in that regard. Certainly, prioritisation is undertaken. From our perspective, that will impact more on our priority 3 and priority 4 responses in the ACT—those that are less immediate for our response. The other aspect to how we continue to meet that demand is in relation to our members. At the moment, when you look at not only the outlaw motorcycle gang run but also the other major events we have had recently, including the police presence we had at Summernats, for example, a lot of the shifts are

filled by our members on overtime. Our members will do a lot of overtime.

Dr Paterson: Luckily we have the evidence base from other jurisdictions who have anticonsorting laws that shows that they have been ineffective and that they are seeing an over-representation of Aboriginal and Torres Strait Islander people—

MS MORRIS: They obviously have been effective if they are all coming here.

Dr Paterson: which comes at a significant cost to the community, which other jurisdictions are experiencing.

THE CHAIR: Minister, I note you have quoted one report from one body in New South Wales, but we might move to a fresh substantive.

Dr Paterson: The Law Enforcement Conduct Commission.

MR BRADDOCK: I have a question about the Hall Volunteer Rural Fire Brigade shed. I have some questions about its suitability, including that the female change rooms seem to double-up as equipment storage. There is no dedicated female shower or bathroom, and they are required to undertake dashes across the shed to go between the change room and the shower facility. Is that an appropriate way to treat our female volunteers?

Mr Phillips: In short, no, it is not appropriate. The Hall Volunteer Rural Fire Brigade is part of our greater strategy in uplifting the standards for privacy and dignity, not just for females but for everyone who wants to be a volunteer or part of Emergency Services. I will hand over to Chief Officer Rohan Scott.

Mr Scott: There have been some upgrades to the Hall facility under the privacy and dignity upgrades through JACS. There is a shed, a shower and a toilet for the females, which previously were not there. It is also classed as a disability shower and toilet, if needed. As for the dash between the change facilities and lockers, that is no different to other facilities where the lockers are in a particular area. We are not expecting them to do the dash unclothed or anything like that. It is about getting your clothing out of your locker and then transitioning to the respective shower cubicle, which is no different to male or female showers in other facilities. I do not know where that comment has come from.

MR BRADDOCK: When were those improvements actually conducted?

Mr Scott: They would have been done in the last eight years, from memory.

MR BRADDOCK: Are there any planned future improvements to make the shed suitable for both female and male volunteers?

Mr Scott: At the moment, it is still functional for both male and female volunteers for what we are asking them to do. There are shower facilities. All our facilities, just like other JACS facilities, are looked at on a year-by-year basis. The government has made an investment, under privacy and dignity considerations, to upgrade that particular facility and other facilities within the RFS facility suite, but also other parts of JACS. At the moment, a change room for females has been added—it was not previously

there—so at this stage it is currently fit for purpose.

Dr Paterson: There has been a lot of work in the Mitchell facility to support our volunteer firefighters and the SES. Perhaps you can speak more to that facility coming on line.

Mr Scott: Yes. There is the new Mitchell facility, which has now been commissioned for both the RFS and the SES. There is one RFS unit in there, two SES units, and also patient transport for ACTAS. There has been a strong collaboration between all the volunteers over many years. It is an old facility which has been very generously repurposed and redesigned to allow the volunteers to work from there. There are good training facilities, but it also has transition from a dirty environment to a clean environment, to allow our people to clean themselves after an incident or training, but there are also showers and locker facilities. Like other RFS facilities, there is also the ability to wash their PPC so they are not taking home contaminated PPC that is packed in their vehicle, to avoid contaminating their family with particulates.

MR BRADDOCK: Coming back to the Hall shed, is that a similar standard to what you would find in other RFS and SES volunteer facilities across the ACT?

Mr Scott: No. They have all had upgrades of some sort over the previous 10 years. As we said, the Mitchell facility is our latest facility where upgrades have occurred. It is actually a repurposed facility. All the other stations have had some upgrades for privacy and dignity to allow male-female separation—better locker rooms and change room opportunities for both males and females. They all vary due to the complexity of the age of the buildings, the space requirements and what can actually be done in the footprint. But there have been upgrades to all the facilities in the past 10 years.

MR BRADDOCK: Thank you.

MR EMERSON: I have a question about children who may be engaging in criminal activity and coming into contact with police. Where do you get support for these kids, not exclusively but particularly when they are below the age of criminal responsibility?

Dep Commissioner Lee: I will ask the Acting DCPO to—

Dr Paterson: I will start. ACT Policing has been very proactive in engaging with young people. We had the discussion more broadly around the minimum age of criminal responsibility, when the laws changed last year, raising the age from 10 to 12 years of age. We will see the age raised to 14 years of age on 1 July 2025, this year. There has been a lot of work to establish the Therapeutic Support Panel to refer young people to. ACT Policing has an extensive history with the youth liaison officers that they have, as well as the restorative justice process. Perhaps we can talk about the youth liaison officers and how they work.

Dep Commissioner Lee: Certainly. Mr Emerson, at the moment there are a range of mechanisms for us in relation to our youth engagement and the supports we can provide to young people who come to the attention of ACT Policing. As the minister touched on, there have been some processes, with the introduction of MACR, which include the Therapeutic Support Panel, as well as the Safer Youth Response Service Pilot, to

provide those mechanisms, and certainly ACT Policing is one of the primary referral agencies, particularly through the Therapeutic Support Panel. We have a presence on the Therapeutic Support Panel and engage in those discussions and share information in terms of young people who are considered sufficiently high risk that they meet the threshold of the Therapeutic Support Panel.

We have other mechanisms, already, also, that are in place through alcohol and drug diversion, where young people come to our attention who are in possession of drugs and require diversion into those drug support mechanisms, which we do in consultation with other ACT government partners.

We touched previously on the work of our proactive intervention and disruption team. Enforcement activity is undertaken now under Operation TORIC, but a key element of that is also the intervention and disruption work, and that team looks at a case-management process to support high risk offenders, some of which are young people. There is a case management process in place there which is called ROMART, which is the Recidivist Offender Multi Agency Round Table, that also looks at case management and multi-agency responses to some of these vulnerable people within our community.

There are a range of those mechanisms in terms of how we access those broader services, and, as the minister has said, we have youth liaison officers that sit within ACT Policing as well, where we provide those supports through ACT Policing members that sit within these liaison officer positions. We provide what support we can to those young people, and look at referral pathways as well, while we are working with them and their families, and we look, where we can, when they might be in foster care et cetera, at those other care mechanisms and support elements we can provide to them. There are a range of mechanisms that are in place, including the restorative justice referral pathways as well.

Dr Paterson: I might also just add the PCYC program, Project 180, working with at-risk youth. It takes referrals from ACT police and is aimed at establishing rapport and normalising positive engagement with police and working with these young people intensively.

MR EMERSON: You mentioned the Therapeutic Support Panel, and we had them up earlier today, and it sounds like they are doing great work. What happens when kids say, “Look, I am underage and there is nothing you can do.” You cannot compel them to engage. How often is that a problem, and how do we stay aware of those kids and support them? It is a tricky question: how do you help somebody who does not want to be helped? But when we are talking about children—

Dep Commissioner Lee: They are complex cases, in terms of when they do not want to participate through those referral pathways. And they can be just as complex when they are subject to those referral pathways, and they are being managed under those mechanisms but there are still challenging circumstances that those young people may find themselves in. It can be a combination of the two, given some of the challenges that we have.

All we can do is work with them. We certainly ensure, in terms of our engagement with those young people and our attempts to refer them into some of those pathways, that

we adequately capture that engagement and the supports that we have offered. Then, obviously, from our perspective we share that information with our directorate partners in terms of the young people that come to our attention, particularly with some of these young people who are in such challenging circumstances. Unfortunately, in a lot of cases they will come to our attention on more than one occasion, potentially, so we work with those other partners where we can, doing what we can to proactively reach out and provide those support services outside of ACT Policing. We also do some of the follow-up through our youth liaison officers to try to get them a level of support and, hopefully, provide them some support and some safety.

MR EMERSON: I have heard from police who are frustrated that they come into contact with the same kids and feel they do not have the levers to pull to help set those kids on a different trajectory. I am supportive of MACR changes and concerned whether they will be implemented effectively this year and whether there is strong support within the police force for those changes. Is that your sense? Is this a challenge that you are grappling with?

Dep Commissioner Lee: Certainly, it is a challenge that we know is obviously coming on 1 July. We are working with our ACT government partners around the experience that we have in terms of what are evolving processes and systems across ACT government in the current context of MACR with 10- to 11-year-olds, understanding that in terms of what it will mean for potential future demand, the capability gaps, or the capabilities that will be required in the system with 14-year-olds, noting that some of those challenges will shift, if you like. There will be some increasing challenges, so we are certainly working with the other directorates in terms of those operational insights that we have and what support mechanisms we will require, or what these children will require outside of policing. Then, obviously, we are working our way through that in terms of some of those process enhancements prior to 1 July.

MR EMERSON: Just one last question on that. We touched earlier on prioritisation and how that is the challenge for you. In terms of the level of support services and new support that is being provided in the preparation for these changes, is it a concern for you, when it comes to policing, about police finding the time to really create positive relationships with children and adopting the therapeutic approach?

I guess I am concerned about a scenario where there is a 13-year-old and you have seen them every day of the last week and do not have the resources to send someone out to engage, knowing they are just going to say, “Look, I am underage, there is nothing you can do anyway.” Do you see what I am getting at? The PCYC is saying we seem to have a limited number here. Is this a concern for you?

Dep Commissioner Lee: I think there are two elements to that. We will continue to respond, even under a MACR at 14, where we have concerns for the young person’s safety, community safety or other frontline responder safety—if they are responding to those incidents. We will certainly continue to respond to ensure that those risks and those safety concerns are addressed. Then the next component to that response is the whole-of-government element. Once we have dealt with those safety concerns, then the other support mechanisms are in place to support that young person—once, obviously, we have undertaken lawfully what we can, and we provide the support that we can—at a time when those other support services can provide that support to the child.

Our people do an amazing job, where they go above and beyond, and they show a lot of empathy when they do respond. Even if other support services are not there at that point in time, they do not leave children alone who may be at risk. Our people do an amazing job in terms of going above and beyond to provide that support, and I have got no doubt they will continue to do that.

Part of it will be the resourcing. We are looking at the present time at some technology and innovation that is in place with some other global partners, where some of that consultation and the engagement can be undertaken digitally, to try to see whether we can provide some broader opportunity to minimise the impact across the sector in terms of those arrangements.

Dr Paterson: And I will just add that I cannot stress enough the importance of taking a therapeutic approach to these young people, because, ultimately, if we do not, then they end up in the criminal justice system and Bimberi, and then starting on a journey that we know has very detrimental outcomes. I think getting these children and addressing their issues from a therapeutic perspective—and the range of services and agencies involved in this is significant—is a really important approach for our jurisdiction.

MR EMERSON: I absolutely agree. My concern is that police are not left high and dry—that those resources are there and there are not wait lists and those sorts of things. That is my concern.

THE CHAIR: Thank you. Ms Morris?

MS MORRIS: I have a couple of quick questions on the Acton emergency services station. I would like to know whether the construction is complete.

Ms Geraghty: I have read and acknowledge the privilege statement. Thank you for the question, Ms Morris. Yes, the Acton ESA station is very close to completion. We are in the midst of finalising the utilities connection. We did hit some latent conditions with the utilities, which have caused some delay. We are looking to finish in mid-April, and to have the station fully commissioned midyear.

MS MORRIS: Can I get confirmation of how much the project has cost so far?

Mr Frino: I have read and acknowledge the privilege statement. The existing budget at the moment is \$38.53 million. We have spent \$35.277 million as of the end of January this year.

MS MORRIS: Is that existing budget sufficient to see the project through to completion and opening?

Mr Frino: Absolutely, yes.

MR WERNER-GIBBINGS: I will ask you, Minister, and it might be directed to officials: has the ACT Ambulance Service considered partnering or rolling out a partnership with the GoodSAM phone app?

Mr Phillips: Howard Wren, the Chief Officer, is attending his final hearings today, after 51 years of service. I will hand over to Howard to answer that question.

Mr Wren: Thank you. This was in relation to GoodSAM??

MR WERNER-GIBBINGS: Yes.

Mr Wren: We are working through the process now. At the moment we are finalising some issues around procurement, because there will have to be a formal procurement process, and we are working through some issues around ICT security.

MR WERNER-GIBBINGS: So it is in the works?

Mr Wren: Absolutely; yes.

MR WERNER-GIBBINGS: That is excellent news. From reading about what is happening in Victoria and, to a lesser degree, South Australia and New South Wales, it seems that it is a positive opportunity. Is there a rough timeline? In 2026, will there be an opportunity for people to—

Mr Wren: I would very much hope that it would be in this calendar year, but I have been wrong before, so—

MR WERNER-GIBBINGS: Not this time! Thank you.

Mr Wren: Anything with ICT is complicated.

THE CHAIR: And you are not tempted to hang around?

Mr Wren: Certainly, I do not want to use the service! I do not want to be a recipient. I would hope that we could get it up and running by the end of this calendar year.

MR WERNER-GIBBINGS: Thank you.

Mr Phillips: If there was ever a time that Howard could be wrong, it can be today.

MR RATTENBURY: I want to ask about the online reporting portal for ACT Policing. This was introduced in the last year or two. I am keen to understand what your experiences have been with using it.

Dr Paterson: I will start by saying that it has been incredibly successful, particularly the dangerous driving online reporting. As of 30 September last year, which are my latest stats—unless the CPO finds more up-to-date ones—there were 318 traffic infringement notices issued. Forty-eight received a caution and 73 received a warning as a result of reporting to the dangerous driving portal.

Dep Commissioner Lee: I have a couple of different briefs. I have the latest ones. Thanks, Mr Rattenbury, for the question. Certainly, in terms of our online reporting, as it has continued to evolve, it includes the reporting of minor crimes; non-urgent property matters; vandalism incidents; links to other forms for community engagement;

property damage; and, as the minister said, it now covers off on road safety and the ability for people to submit their footage.

In terms of the online reporting portal, I will look for the updated data, if I can. In terms of the year-to-date data, it has been extremely successful in terms of the number of traffic infringements that we have issued in relation to that. Between 8 May and 30 June 2024, a total of 84 online dangerous driving reports were received, and that resulted in a number of traffic offences being identified and a number of traffic infringement notices being issued. Since then, over the last period into this financial year, the number of traffic infringement notices that have been issued has significantly increased.

In terms of the overall reporting that we have received, I will give you some data in relation to the online statistics. In relation to property damage and vandalism, between 1 July 2023 and 30 June 2024, ACT Policing received 1,042 online property damage and vandalism reports from the ACT community through the online reporting platform. Accepted reports primarily related to damage to vehicles, which was 42 per cent. For general damage to premises, it was 17 per cent. For graffiti, it was 10 per cent. Fence and door damage was nine per cent, and breaking premises' windows was eight per cent.

Of those 1,042 reports, without the online reporting portal, they would normally have been reported through existing mechanisms or other mechanisms. It has certainly provided some efficiencies for us in terms of our other reporting of crime mechanisms, particularly through 131444 and those general reports of crime. They have been dealt with in terms of how we would normally deal with those processes.

At the moment we are looking potentially to expand it into other areas, particularly around other property crime offences. From our perspective, it has been extremely positive, and we will continue to expand it into other areas, as we consider appropriate.

Dr Paterson: This contributes to ACT Policing's intelligence gathering. I think it is a really great tool and really important for the community to report through Crime Stoppers and through the online reporting mechanism, because their intelligence teams use that data to inform their activity.

MR RATTENBURY: When talking about dangerous driving offences, I presume this is people sending in their dashcam footage, and police are able to identify the licence plate and proceed from there. What is the definition of dangerous driving for that purpose? From the way you described it, it sounds like any road-based traffic offence, as opposed to, perhaps, the way dangerous driving has been discussed in this building in recent times.

Dep Commissioner Lee: That is right. I would suggest it is more in relation to road safety. It took me a while to find it, but I can give you one updated statistic in terms of the online reporting around traffic infringements. As of 31 December 2024, 448 traffic infringement notices have been issued as a result of the online reporting, so there has been a significant increase over the past six months, as that has evolved.

In terms of the online reporting portal, it primarily relates to issues of road safety. It is where people feel that they should report poor road behaviour; that is the way I would

describe it, more than potentially dangerous driving. In terms of dangerous driving, regarding where we see that, the data that I would probably draw upon there is more in terms of the work of Operation TORIC. As you know, we have had over 500 arrests in this financial year. Again, that is more in relation to dangerous driving that is connected to other predicate offending, rather than dangerous driving itself.

The other data that we are tracking, in relation to dangerous driving and that high-risk behaviour that we are seeing on the road, is in relation to our refuse-to-stop data that we have here, where we have stolen motor vehicles or other vehicles where we either go to intercept the stolen motor vehicle or we observe a person undertaking dangerous driving.

Where we look to intercept those vehicles, that results in some high-risk behaviour, where we are generally terminating pursuits early, noting the risk to other road users. In terms of those refuse to stops, we have, on average, between 35 and 40 of those a month. As soon as we go to intercept an individual, generally they will cross straight over to the wrong side of the road and start driving directly at other road users, and we terminate that pursuit. An investigation would be undertaken to try to identify those vehicles and the users of those vehicles, so that they can be arrested and charged.

MR RATTENBURY: On the issue of people failing to stop, I saw media reports in the last few days of New South Wales Police trialling new projectile GPS tracking devices. Is that something on which you are either following up or collaborating with New South Wales policing?

Dep Commissioner Lee: We do collaborate through the road safety working group nationally. Our Commander, Operations, Sue Evans, is our national rep on that group. That working group shares experiences in terms of initiatives that have been put in place by other jurisdictions, and we share what we are doing here in the ACT. I do not have a specific answer for you on that issue, but I am sure that is the type of information that would be being explored. If it is not, we will have a look at that, in terms of our road safety response.

MR RATTENBURY: Going back to online reporting, do you have any community feedback on whether people are more or less likely to report something through the online portal? For example, I cannot imagine these traffic offences would have been picked up without it, but have people expressed reservations about the portal? What feedback has there been from the community?

Dep Commissioner Lee: The way I would describe it is the use of the online reporting is increasing. I think it was relatively low, initially, as people got used to the concept of online reporting. I think it is continuing to grow, in terms of the number of reports we are seeing, and the usage.

In terms of specific feedback from the community, we have certainly received some feedback in terms of online reporting, in terms of that mixed reaction to online reporting. Part of that is probably due to the demographic, regarding what people are more comfortable with, in terms of their age.

The other element of that feedback that we have received is in relation to the responses

that we are able to provide on some of those minor matters, noting the prioritisation that we need to undertake. I think there is a combination of the two there.

MR BRADDOCK: Do you have more detail on the efficiencies that you mentioned, arising out of this? Part of the argument for this online reporting was that it allowed you to invest police officer time in higher priorities. Has that happened? Do you have any information?

Dep Commissioner Lee: I do not have that to hand, Mr Braddock. I do not know whether either of my colleagues do. I might need to take that on notice.

MR BRADDOCK: Thank you.

Dep Commissioner Lee: There are also some other initiatives that we have put in place in terms of some online engagement that could also form part of that response, and some of our technology innovation, if that would be of interest to you?

MR BRADDOCK: It would be, thank you, on notice.

MS MORRIS: I am interested to know what tools ACT Policing has to monitor child sex offenders and whether that monitoring applies after a convicted offender has served their sentence.

Dep Commissioner Lee: I will pass to the Acting Deputy Chief Police Officer, who can provide that detail for you.

Asst Commissioner Bailey: Could you repeat the question for me?

MS MORRIS: I am interested to know about ACT Policing's ability to monitor child sex offenders and whether they monitor them after they have served their sentence.

Asst Commissioner Bailey: Physically monitor or electronically monitor?

MS MORRIS: All of the above, yes.

Asst Commissioner Bailey: Most monitoring will be done via compliance—bail compliance checks and making sure that they are adhering to their conditions. They may need to be in a residence between certain hours, for example, or not consume alcohol. There will be that sort of compliance and monitoring done. The family violence unit, in particular, our new high-risk unit, spends a lot of time ensuring orders are in place, orders are being adhered to, and engaging with victims to detect any infractions.

In terms of electronic monitoring, that is not something that is in our remit, other than if you are talking about an active investigation, an organised crime investigation or an offence that would warrant a surveillance device et cetera. Certainly, there are proposals for electronic monitoring.

Dep Commissioner Lee: We have the Joint Anti Child Exploitation Team that sits within our SACAT area. Where they are undertaking investigations, that forms a suite of measures we may undertake, as the Acting DCPO outlined. We also have the Child

Sex Offenders Register here in the ACT. That register sits within our SACAT area. The person responsible sits within our sexual assault area. Depending on the level of monitoring of an individual that has been released into the community, a risk assessment process is undertaken in relation to those individuals. That is a risk assessment process that is regularly reviewed and, depending on the rest of the risk assessment that of an individual, where we have potentially high-risk individuals in the community, that will bring with it some monitoring that is undertaken across ACT Policing, in our sexual assault area as well as our general duties area, and some of those tasks are sent out to patrol.

MS MORRIS: Are the current monitoring tools that you have available to you sufficient at the moment?

Asst Commissioner Bailey: We have been public that we welcome the government's commitment to electronic monitoring here in the ACT. We think it is a mechanism that is required in the ACT. We have been public on that, and we certainly welcomed the government's election commitment on the introduction of electronic monitoring in the ACT.

MR BRADDOCK: I have a question about the fire unit's aerial pumper that was damaged by the Rosenbauer technician. Did Rosenbauer ever offer any kind of interim unit while that was being repaired or did they offer any reparation for the damage they caused to that unit?

Asst Commissioner Bailey: Thanks for the question, Mr Braddock. It is timely that Chief Officer Matt Shonk has come to the table.

Mr Shonk: Mr Braddock, could you quickly—

MR BRADDOCK: My question is on the contractual arrangements with Rosenbauer, whose technician actually caused damage to the unit and it took considerable time for it to be fixed. Did Rosenbauer offer any interim measure or an interim unit that we could utilise in the meantime, or did they offer any compensation to the territory for the damage they caused?

Mr Shonk: Yes; they did. They undertook to do those repairs at entirely their expense. In the meantime, we had a redundancy for that with our Bronto aerial unit. Rosenbauer, for the entire time that the aerial 42 was away in Italy to be repaired, have taken on the maintenance costs and servicing costs of the redundancy that we have in the ACT, including, I believe, new tyres and its full servicing during that period.

MR BRADDOCK: Thank you. In your contractual arrangement with Rosenbauer—I asked this earlier, but I will ask it again here—is there assurance of the availability of appliances to be on the road and serviceable as part of their performance measures?

Mr Shonk: That is very similar to the question you asked before. I will have to take that on notice.

MR BRADDOCK: Thank you.

MR EMERSON: I have a question about police burnout. Do you track the average proportion of active police who are working overtime on a given day?

Dep Commissioner Lee: We do monitor. We have a rostering system in place for our members on overtime. Regarding the number of members that are on overtime in our stations, in terms of the rostering that might be undertaken by our sergeants and our officers in charge of either the stations or our specialist units, generally that will be dealt with at the station or team level, in terms of what they need to achieve in meeting their minimum numbers on shift. For major events—for example, the King’s visit and those types of events—rostering will occur and the overtime will be allocated through our Emergency Management and Planning Team, which puts those arrangements in place. We track that more at a cost level. That sits with Mr Whowell, who is in the room, in our finance area, in the context of the total cost in overtime and how that is tracking against our budget.

We look at it in two areas. The primary area is in relation to the health and wellbeing of our people and ensuring that we have an understanding of what that means for our people, and then there is the overtime that is required to meet that demand. We track that carefully, and we are looking at additional mechanisms that we could put in place to do that. At a cost level, we do that as well, in terms of what that means for operating within our budget, how we meet demand and how we balance some of the pressures.

Mr Whowell: I could add two quick points. I am conscious of the time. We manage high amounts of overtime and identify individuals when we do our monthly reporting with HR. What we are looking for is how we can actually equip frontline supervisors to manage themselves—to manage fatigue in particular. We are looking at some fatigue management tools that we can have on their issued plans, so we can work our way through it. There is fatigue testing so that we can provide a much safer workplace environment.

MR EMERSON: Maybe you can take this on notice. It is probably a calculation you will have to do separately. It has been put to me that there is an inbuilt level of overtime—special events aside—that you rely on. For an individual police officer to put their hand up and say, “Actually, today I need a day off,” is hard to do when you are part of a team and you want to be there for the team. Do you have a sense of: “20 per cent of the police officers on duty right now are working overtime”—that sort of daily figure, if there is an average number?

THE CHAIR: You can take that on notice.

MR EMERSON: That would be really helpful and insightful for us.

Dep Commissioner Lee: We will take it on notice, Mr Emerson.

THE CHAIR: On behalf of the committee, I thank you all for your attendance today. As Chair of the Standing Committee on Legal Affairs—and I am sure I speak on behalf of all the committee and visiting MLAs—I want to pass on our appreciation for the work that you and your officers do, both in Policing and in Emergency Services. Thank you for that. Community safety and help in times of need are much appreciated, and it is at the risk of some of your officers and workers. It is much appreciated. If you have

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taken any questions on notice, please provide your answers to the committee secretary with five business days of receiving the uncorrected proof *Hansard*.

The hearing suspended from 4.01 pm to 4.15 pm.

Appearances:

ACT Government Solicitor

Garrison, Mr Peter, Solicitor-General for the ACT

THE CHAIR: Welcome back to this public hearing of the Standing Committee on Legal Affairs for its inquiry into annual and financial reports for 2023-24. The proceedings today are 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 used these words: “I will take that question on notice.” That will help the committee and witnesses to confirm questions taken on notice from the transcript.

This afternoon we welcome the ACT Solicitor-General. I remind the witness of the protections and obligations afforded by parliamentary privilege and draw attention to the privilege statement. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Would you please confirm that you understand the implications of the statement and that you agree to comply with it.

Mr Garrison: I have read and understood the statement and I agree to comply with it.

THE CHAIR: Thank you. Mr Garrison, I note in the JACS annual report the data outlining the ACT Government Solicitor’s performance information for 2023-24, on page 57. It makes reference to the number of opinions given in 2023-24 compared with previous years. There seems to be a very significant increase in the number of opinions given since 2021-22. Is there any particular reason for that?

Mr Garrison: At the risk of stating the obvious, it is because there has been a significant increase in the work and its complexity. For example, a single matter will not involve a single advice but will involve multiple advices, and the larger and more complex pieces of litigation, and, indeed, commercial transactions, will involve multiple advices.

Sorry to interrupt, Chair. Could I just make an observation. Under annual report directions, I do not provide a separate report; it is subsumed into the JACS report. However, in preparing for this afternoon, I discovered that the section on the Solicitor-General, which should have been in the annual report, is not there. It should have been at the end. That is the case in the print version that I have, in any event.

MR WERNER-GIBBINGS: I sense a recommendation from the committee.

Mr Garrison: There will be an addendum. Whilst I appreciate that it was subsumed, I did not realise I was going to be subsumed out of existence. I will take steps to have an addendum to the annual report provided. I can provide a separate copy to members of the committee, if that will be convenient.

MR RATTENBURY: You have copies with you now?

Mr Garrison: I only have this one.

THE CHAIR: You would have expected that to be in it?

Mr Garrison: Yes. In fact, it was in our draft that was given to the people who were meant to be doing the annual reports. I can only apologise for that. I only just realised it.

THE CHAIR: How do you think that has happened?

Mr Garrison: I do not know.

THE CHAIR: You provided it to the directorate?

Mr Garrison: Yes. As Mr Rattenbury will recall, there is a very complex model for the preparation of annual reports. You provide material through particular tools that they adopt, and it looks like the section on the Solicitor-General, which should have been at the end of the report, was not included.

THE CHAIR: I am reading information relevant to your agency in a media report. What would be extra in your Solicitor-General's report?

Mr Garrison: There would be a section in relation to legal services to government—output 1.2—which has the heading “Solicitor-General”. It goes through my functions, what I do, and highlights some of the cases that I have done in the period under review, none of which will come as any great surprise to members of the committee.

THE CHAIR: But, clearly, there is information in the current annual report that is about your office.

Mr Garrison: Yes; absolutely. That is correct. There is normally a separate section on the Solicitor-General, as a statutory officeholder, and what I do as Solicitor-General. It is distinct from the functions I perform as Chief Solicitor, with responsibility for the office of the Government Solicitor.

THE CHAIR: Is this something the Attorney-General is aware of or you have made—

Mr Garrison: I do not know that anyone is aware of it. I have only just picked it up myself.

THE CHAIR: Except right now.

MR WERNER-GIBBINGS: In the last hour; news as we have it.

Mr Garrison: Pretty much. So all I can do is apologise.

THE CHAIR: Prompted perhaps because you have to appear before the committee.

Mr Garrison: We will take steps to address that.

THE CHAIR: That would be appreciated.

Mr Garrison: Having identified it, I thought I would raise it as soon as I could.

THE CHAIR: We could make copies of that now.

Mr Garrison: Certainly.

THE CHAIR: Are you confident that would be the one that would be published? I guess you cannot be sure.

Mr Garrison: It should be, because it is the draft that we provided to them.

MR RATTENBURY: I do not think we need to worry. We are not going to have time to read it, and I have other questions anyway.

Mr Garrison: It is common to what has been in earlier reports about—

THE CHAIR: But you will provide something formal to the committee?

Mr Garrison: Yes.

THE CHAIR: The Attorney-General will need to provide an addendum to the report.

Mr Garrison: Yes; there will need to be an addendum to the report.

THE CHAIR: That would perhaps happen in the next sitting of the Assembly, by the sound of it.

Mr Garrison: I apologise for interrupting your train of thought.

THE CHAIR: That was a bit of an aside. I will put the rest of my questions on notice. They are probably all QONs.

MR WERNER-GIBBINGS: I thought we would have a fair amount of time. My question is a little bit philosophical. I have heard the phrase “increasing complexity” and read it in a number of reports. The Legal Aid Commission used and it is used in the Supreme Court—that it is the reason cases are taking longer. Where is the increasing complexity coming from that has not been there in the past 200 years? It sounds facetious, but what is it?

Mr Garrison: Having been in legal practice for 45 years, I can say from personal experience that, 40 years ago, legal practice was less complex. There was virtually no technology. The research was done in the old-fashioned way, by going to libraries and looking up books. Also, I would describe it as a less litigious approach in dealing with issues. What we have seen emerge over a period of time is a more litigious approach, in dealing with disputes in particular. With the increasing regulatory and legislative framework that now applies to most conduct, you find that there are more things that people can use in a legal proceeding to pursue their claim. That makes it more complex. It makes the evidence more complex. Things are better documented, so there is a

broader range of documents.

Forty years ago, I would run a Supreme Court personal injury matter and the brief would be an inch thick. Today, even a moderately complex personal injury matter will involve multiple volumes of documents, materials and reports, and all of that needs to be considered and analysed. It all has to go into evidence. Whether it is all used is another issue. More often than not, it is not. But it means that, as a legal practitioner, we have to do our job of providing advice about the risks and the cause of action that has been pleaded against our client or a plaintiff that we are pursuing. That has become a more complex exercise because of the nature and the scope of the relief and remedies that are available. For example, we have 45 proceedings in the Supreme Court under the Human Rights Act. Ten years ago, that litigation did not exist. So the legal profession becomes more innovative. They look for different ways to pursue matters on behalf of their clients, and that makes the conduct of legal practice more complex. It means we are giving more advice. In fact, you can see that our court and tribunal attendances increased as well.

We used to have a smaller range of matters in courts. We did not have the broad range of matters that we have in ACAT today, for example. There are different types of remedies available. Relief in relation to discrimination, for example, is a significant part of our practice, and that is largely in the tribunal. Those complaints are being made against agencies. We have seen an increase in that work. We have seen an increase in, for example, applications made for protection orders in relation to public servants, because of the people with whom they are engaging. We have the historic sex abuse claims, which have significantly increased. That is a really large body of work, not only in the ACT but also, more particularly, in the other jurisdictions. We are not as seriously affected as other jurisdictions, because, in the ACT, there is a cut-off at self-government. The other states—New South Wales in particular—have literally thousands of claims in place. Sorry—I could go on.

THE CHAIR: We might pause on that. If Mr Werner-Gibbings has more questions, he can ask those, but I might let him move to his substantive.

MR WERNER-GIBBINGS: Thank you very much. The trend is that a high percentage of women counsel were briefed. In dollar terms—sorry; I do not have a page number for you—

Mr Garrison: That is all right.

MR WERNER-GIBBINGS: There was a drop in the total spend on women counsel in the past year, despite the percentage of matters being almost identical. In the annual report, it says that this is due to a higher proportion of approved male counsel in regulation, planning and personal injury laws. Is this a one-off? Is this a trend that will continue? Is this something to keep an eye on?

Mr Garrison: It is random. The reason it is random is that we have a very clear policy about encouraging the briefing of female counsel. We have one of the highest proportions in the briefing of female counsel of any jurisdiction in the country.

MR WERNER-GIBBINGS: What is that proportion?

Mr Garrison: For us it is 53 per cent, by value, from memory. It is in the breakdown of counsel, which is—

MR WERNER-GIBBINGS: I beg your pardon: it says 56 per cent here.

Mr Garrison: Yes—53 per cent by dollar; 56 per cent by volume. There is always going to be a difference. For example, you could have one large case and, if you happen to have a male counsel as senior counsel in that case, that can skew your figures a bit over a period of time. As you will see from the figures in the annual report, we use quite a large number of counsel at varying levels of seniority. It changes from year to year. But, on any view, the trend for us engaging female counsel continues upward. It is interesting in the ACT because the ACT Bar is quite small and, I am pleased to say, has an increasing number of female counsel, particularly new counsel going to the Bar. We deliberately try to bring on board what are called readers. They are in their first few years of being at the Bar. What we like to say we do is bring them on board and, effectively, train them in the way we do things, in terms of how government works and how we work.

MR WERNER-GIBBINGS: Thank you.

MR RATTENBURY: Just reflecting on that, that has been a deliberate policy of your office over a number of years; is that correct?

Mr Garrison: Yes, it has, Mr Rattenbury.

MR RATTENBURY: You have seen a steady increase in that proportion of female barristers being briefed?

Mr Garrison: Yes. In fact, we have the data in the report.

MR RATTENBURY: I can look it up later.

THE CHAIR: Take it on notice.

MR RATTENBURY: The Solicitor-General does not need to take it on notice. I can look it up.

Mr Garrison: It is in there; sorry.

THE CHAIR: Mr Rattenbury can find that himself.

MR RATTENBURY: Yes, that is fine. My substantive question has already been touched on. In light of the increasing complexity of matters and the increasing number of matters, how is your office responding to that, and are you adequately resourced to meet the demand that you are experiencing for your services?

THE CHAIR: You will always say more!

Mr Garrison: Indeed.

MR RATTENBURY: I am hoping for a little more nuance from our well-informed witness.

Mr Garrison: Mr Rattenbury, the funding for our office is a fairly complex model. Historically, it was principally budget funded, but the budget funding never kept up with this level of work, and that saw an increasing reliance on own-source revenue of cost recovery in relation to certain classes of work. That related principally to agencies that are obliged to operate commercially and therefore have to be charged for their work, like the Insurance Authority, the SLA and a couple of others.

With the new work—work that is not the subject of budget appropriation—we have criteria that we engage with, with the directorates, about what work we will recover the cost on; that is, large matters, matters that require dedicated resources, matters that are unexpected, so to speak. I refer, for example, to the historic sex abuse claims, because until the limitation period was changed, those were not really an issue.

We also have a number of our lawyers outposted to agencies to provide immediate advice to them and to assist them in providing instructions to our office. That is done on a cost recovery basis as well. We have several strands of revenue that support our continuing recruitment of staff. The claims work, the personal injury litigation, is by far the largest part of our practice, and most of that work involves cost recovery through the Insurance Authority.

THE CHAIR: I note that the public and constitutional law practice focus registered 12 per cent of legal service activity for 2023-24. This is on page 56 of the annual report. Can you outline the specific areas of law that this practice area focuses on that are public or constitutional?

Mr Garrison: Yes. Public and constitutional law deals with statutory interpretation. It deals with the construction of public legislation—the Public Sector Management Act, and legislation generally.

Interpretation of legislation is, of course, a core activity of government lawyers. Our highest level of expertise sits within that public and constitutional law group. It does administrative law advising. It conducts administrative law litigation, judicial review litigation and constitutional advice—not just in relation to, of course, the issues that come up under the commonwealth Constitution, where the practice instructs me and I appear in court on behalf of the territory, but also issues around the self-government framework, which is unique to the territory. We have a unique body of knowledge in relation to the way that operates, and it gets deployed in a range of places.

THE CHAIR: How many claims, inquests and inquiries matters—that is the heading in your report—were claims of medical negligence against ACT Health and/or Canberra Health Services? Can you provide a breakdown of the outcomes of those? You might want to take that on notice.

Mr Garrison: I would not be able to provide you with the outcomes. That would require actually looking at each matter, and we could not reasonably do that. I can provide you—in fact, I thought we had—

THE CHAIR: I am happy for you to take it on notice.

Mr Garrison: I will take it on notice, Mr Cain.

MR WERNER-GIBBINGS: Going back to the complexity question, I want to be clear in my head that the complexity that is being identified—and this is an opinion; you cannot speak for other organisations—

Mr Garrison: No.

MR WERNER-GIBBINGS: This is not a since COVID increase in complexity thing; this is a trend that has been developing since you started, for instance, and it is unlikely to diminish. Things will get increasingly complex, information will be increasingly accessible.

Mr Garrison: I would personally hope that it would stabilise, but—

MR WERNER-GIBBINGS: Has it?

Mr Garrison: No, because, as they say in the classics, every time one door closes, another opens. Lawyers, being creative, are able to find other ways of doing things.

MR WERNER-GIBBINGS: “Increasingly complex” does not equal “increasingly cheap”?

Mr Garrison: Correct.

THE CHAIR: In the annual report, on page 52 there is an outline regarding the practice focus comparison between 2022-23 and 2023-24. Can you please outline what factors determine the practice focuses of legal service activity for 2023-24?

Mr Garrison: There were two moderate changes, and that was in the claims, inquests and inquiries, and in regulation and employment. In relation to regulation and employment, we have seen an increasing amount of work in our employment practice. In the current reporting period—not this reporting period—we split our employment practice out into its own practice area. We have seen quite a significant amount of work in that area.

The regulation practice, as you may be aware, Mr Cain, deals with so much of what is done in government, in terms of revenue and all of those associated issues. Our citizens’ rights and welfare protection practice, again, deals with human rights claims and discrimination, but, more particularly, with the children in need of care. That is a very significant part of our practice, and it will fluctuate from year to year, depending on what occurs.

THE CHAIR: For some of the areas, it looks like the percentage of work has reduced, some of it looks similar and some, obviously, has changed and increased. How recently was employment and regulation pulled out?

Mr Garrison: We separated it out after the end of the last reporting period.

THE CHAIR: So it is fairly new, then?

Mr Garrison: Relatively recently; towards the end of last year.

THE CHAIR: At the moment it is listed as “regulation and employment”.

Mr Garrison: Yes.

THE CHAIR: Were you saying a bit earlier that employment is being pulled out of that as well?

Mr Garrison: No. We now have the regulation practice area and we have an employment practice area, each with their own practice leader.

THE CHAIR: Is there any explanation that—

Mr Garrison: Just the increase in work. With the employment practice—they are all highly specialised—the employment framework includes public servants, statutory office holders and executives. That involves a whole range of issues that require attention, and we have seen an increase in work and in its complexity.

MR WERNER-GIBBINGS: Can you please give me the top three highlights of what is in the report? What do you think are the most important pieces that we have not seen in what should have been included in the—

Mr Garrison: It simply describes what I do in terms of participation as counsel for the territory, in terms of dealing with all the constitutional issues. Under the commonwealth Judiciary Act, every Attorney-General is given notice where there is a constitutional issue that arises in a matter. One of my functions is to consider those notices, to provide advice to the Attorney-General in relation to any intervention, and then I am delegated by the attorney with non-delegation decisions.

In the overwhelming majority of constitutional matters that appear in all range of courts across Australia, there is no intervention. For us, it only really comes into highlight if it is in the High Court and if it affects the territory. For example, recently, I was in the High Court in the Yunupingu native title matter, because an issue arose in relation to the territories power, because it was in the Northern Territory; so the ACT has an interest in appearing and arguing in relation to those issues. That is part of what I do.

There are human rights notices that the Attorney-General is given. We give advice about intervention or not in relation to matters where the human rights issues have been raised. More often than not, in recent times, they tend to be criminal matters, but we have also had claims for alleged unlawful imprisonment and things of that nature.

THE CHAIR: On this missing report, are you confident that the operation of your office has been captured comprehensively?

Mr Garrison: Absolutely, Mr Cain. The only thing that is missing is the page and a

bit that covers my roles and functions as Solicitor-General.

THE CHAIR: Do you mind saying when you provided that to the department?

Mr Garrison: I could not tell you. It was whenever the process was meant to have been completed.

THE CHAIR: Obviously, not having seen it, it is of concern to this committee that we are doing annual report hearings without the benefit of a complete JACS report in this case.

Mr Garrison: I can hand up this page, if you want to have a quick look, to see whether I have accurately depicted what I do.

THE CHAIR: We might reserve our right to have another discussion with you, either at the end of this week or even during a private hearing.

Mr Garrison: That could be a little difficult because of my own commitments.

THE CHAIR: The committee will consider what action we wish to take. On behalf of the committee, I would like to thank you for assisting the committee today. We would also like to thank broadcasting and Hansard for their support. If a member wishes to ask questions on notice, please upload them to the parliamentary portal as soon as possible, and no later than five business days from today. This meeting is now adjourned.

The committee adjourned at 4.44 pm.