LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON LEGAL AFFAIRS

(Reference: Inquiry into Annual and Financial Reports 2024-25)

Members:

MS C BARRY (Chair)
MR T WERNER-GIBBINGS (Deputy Chair)
MR S RATTENBURY

TRANSCRIPT OF EVIDENCE

CANBERRA

THURSDAY, 20 NOVEMBER 2025

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.

APPEARANCES

Justice and Community Safety Directorate 90, 123
City and Environment Directorate 123
ACT Policing 123

Privilege statement

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

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

"Parliamentary privilege" means the special rights and immunities which belong to the Assembly, its committees and its members. These rights and immunities enable committees to operate effectively, and enable those involved in committee processes to do so without obstruction, or fear of prosecution.

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

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

Amended 20 May 2013

The committee met at 12.59 pm

Appearances:

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

Justice and Community Safety Directorate
Johnson, Mr Ray, Acting Director-General
Ng, Mr Daniel, Acting Executive Group Manager, Legislation, Policy and Programs
Wickham, Mr Benjamin, Chief Executive Officer, ACT Courts and Tribunal
Cvetkovski, Ms Dragana, Chief Finance Officer
Hutchinson, Ms Zoe, Executive Branch Manager, Human Rights Branch

THE CHAIR: Good afternoon, and welcome to the public hearings of the Standing Committee on Legal Affairs for its inquiry into annual and financial reports for 2024-25. The committee will today hear from the Attorney General, the Minister for Human Rights and the Minister for Police, Fire and Emergency Services.

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

This hearing is a legal proceeding of the Assembly and has the same standing as the proceedings of the Assembly itself; therefore, today's evidence attracts parliamentary privilege. The giving of false or misleading evidence is a serious matter and may be regarded as contempt of the Assembly.

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

We welcome Ms Tara Cheyne MLA, Attorney-General and Minister for Human Rights, and officials. Please, note that, as witnesses, you are protected by parliamentary privilege and bound by its obligations. You must tell the truth, as giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly.

As we are not inviting opening statements, we will now proceed to questions. My first question is to the minister. Minister, I am sure you have seen the reports of a teenager who was harassed on a bus recently. Minister, this is a really concerning trend. We know that the Jumbunna report indicated systemic racism. We are a jurisdiction with human rights laws, and I want to know what you are doing about this. Why does this keep happening over and over again? What is being done?

Ms Cheyne: Thank you for the question, Chair. First of all, I want to acknowledge the

distress experienced by the young person who was incorrectly identified as an offender during a recent police operation. I appreciate that this has also had ramifications across the community, and that there are a lot of people who are hurting. I might leave it to the minister for police, in that hearing, to talk about the circumstances of that particular matter.

What we are doing as a government is extensive. First of all, you mentioned the Jumbunna report. The number one thing that the Jumbunna report asks us to do is to establish effectively a First Nations led justice body to oversee the implementation of the recommendations of the review. We think that, in consultation with the Elected Body, we now have a pathway forward on that. That should be settled, I would hope, by early next year. That then gives us effectively the body and the framework to progress the implementation of many of the recommendations contained within the report.

What I would point to is that the Jumbunna report reflects very clearly at the beginning and then iteratively that the justice system and a person's contact with the justice system are just one part of the issue. Absolutely, having contact with the justice system exacerbates that; it exacerbates the direction of someone's life, and it exacerbates their experiences and the likelihood that they will have contact with the justice system again. But it is about every stage of someone's life—their education, child protection, policing and interactions with policing, and diversions. What the report makes clear over and over is that we have to look at it as a whole of system; it is not just one part, and it is not just the justice sector that has work to do.

I feel—and I said this to the Elected Body last week—great shame about many of the recommendations, particularly the ones that are the same as recommendations that came out three decades ago, but we are getting on with it, and we now have a pretty clear map of everything across the ACT government that we need to do to address systemic racism as a whole and the over-representation of Aboriginal people in incarceration.

THE CHAIR: Minister, I take the point that you are making that, moving forward, there is a pathway to resolving some of these issues. What do you understand to be the reason why this has continued to happen and why systemic racism continues to happen in the First Nations space? What do you understand is the reason why that has been happening for so long?

Ms Cheyne: The answer to that is complex and extensive. Again, it is not one thing. I think it is historical systems—colonial systems, ultimately, that we still have today, that are inherently racist and can disadvantage people. Dismantling that and rebuilding that takes time.

THE CHAIR: I understand that as well, but your government has been in power for 24 years. How is it that this report would magically be the solution if this continues to happen? How would Canberrans have the confidence that something will be done about it?

Ms Cheyne: Because it is the most extensive whole-of-government report with very clear actions that all need to be implemented for change to occur.

MR RATTENBURY: Attorney, I appreciate your comment about talking to the police minister this afternoon, and we will.

Ms Cheyne: Yes, but I will take what I can.

MR RATTENBURY: In that context, hopefully, I will ask you some relevant questions.

Ms Cheyne: Yes, sure.

MR RATTENBURY: Are you aware at this point of whether any charges have been laid against the officers involved?

Ms Cheyne: I do not believe so.

MR RATTENBURY: You do not believe they have?

Ms Cheyne: I do not believe so. I believe that the matter has been referred to the professional standards unit for investigation.

MR RATTENBURY: Are you able to provide—I suspect this will be on notice—how many cases in ACT courts in the last year have involved the use of unlawful force or unlawful use of force by officers—how many times that has been prosecuted in the territory in the last 12 months or some suitable data period? I appreciate there are challenges around data.

Ms Cheyne: I will take it on notice. In taking it on notice, I do not necessarily accept that the use of force in this circumstance was unlawful. I do not necessarily know that.

MR RATTENBURY: Sure. I am sorry; I was not meaning to comment on this specific case.

Ms Cheyne: No, but—

MR RATTENBURY: I am interested to understand, from a systems point of view, whether there have been cases in the courts.

Ms Cheyne: Of course, and I take the intent of the question. In accepting that, I am not agreeing that it was necessarily unlawful.

MR RATTENBURY: I was not meaning to imply it.

Ms Cheyne: No.

MR RATTENBURY: I appreciate your distinction. I do not imagine you can produce that now, but if you could do it on notice—

Ms Cheyne: Yes, sure.

MR RATTENBURY: that would be helpful.

Ms Cheyne: Sure.

MR RATTENBURY: Perhaps the last couple of financial years would be a suitable dataset.

Ms Cheyne: Yes, sure; no problem. I might need to consult with the policing minister as well, because my understanding is that every non-routine use of force is reportable.

MR RATTENBURY: Yes.

Ms Cheyne: I do have the data of firearm use, in terms of use of force, over several years. It is not a lot, but I would note I also believe that every use of force report is reviewed by an officer's supervisor, and matters can then progress in accordance with, I think, commissioner's order No 2.

MR RATTENBURY: What I am trying to explore—and I have raised this with police previously, and the police minister, and it goes to some of Ms Barry's question—is the sense of community faith in the police service. When these incidents occur, they go to the professional standards unit and they essentially disappear inside the police, and all the discipline takes place. We have been told by the police that they cannot report the outcomes because of privacy reasons, so there is this opaque outcome that challenges the community's faith. I think the community want to trust the police, but when they see no action on the egregious incidents, it undermines it. Part of the reason for trying to understand it is that I want to know whether there are examples where it comes back out of that system and there are actually consequences.

Ms Cheyne: Sure.

MR WERNER-GIBBINGS: The drug and alcohol sentencing list has been in operation for a number of years. Is there evidence or statistics regarding its efficacy? Is it working? As an example, is there reduced recidivism on the part of people sentenced to a drug and alcohol treatment order? Where is it up to? Where is it at?

Ms Cheyne: It is ongoing, and I think the short answer is yes. It is working. It is, I understand, resource intensive. Again, with trying to reduce contact with the justice system, it is an appropriate model. I am pretty sure we have done a review recently. Perhaps Mr Ng can elaborate.

MR WERNER-GIBBINGS: Yes, when was it reviewed?

Mr Ng: I am happy to elaborate. I have read and acknowledge the privilege statement. Thank you for the question. The current work that is going on is the development of a mapping, monitoring and evaluation framework for the drug and alcohol sentencing list. That will be one that supports government with a key understanding about the key features of efficacy in the scheme going forward. Budget funding was allocated to the directorate to engage an external provider to conduct that work. That is currently ongoing in this financial year.

MR WERNER-GIBBINGS: What is the expectation regarding what you will take

from the findings? Will it be expanding, improving, or more narrow targeting? Is there expected use of the outcomes of the list, or is it fair to say that it is going fine?

Mr Ng: Certainly, the monitoring and evaluation framework is intended to support government with decisions about, as you have described, expansion, continuation, additional funding, resourcing and the like. What we have seen so far is that exercises of cost-benefit analysis have been undertaken on the drug and alcohol sentencing list activities so far. This monitoring and evaluation framework is about having a holistic framework where agencies understand, and it supports government to make decisions about whether it needs to invest further, what the implications of doing so are and potentially what the metrics of success might be, as it assesses those matters.

MR WERNER-GIBBINGS: For my own benefit, will it be in place by this time next year—the framework?

Mr Ng: I think the work is expected to be finalised in this financial year.

MR RATTENBURY: I want to ask about coronial reform. As you will probably recall, at the end of last term a report was tabled in the Assembly, late in the term, from Alistair Legge, entitled "Coronial Restorative Reform Process: Overview, Outcomes, Priorities for Next Steps and a Recommendation to Support Future Restorative Reform Processes". It is a long title but an important one. Have you been briefed on that report since becoming attorney?

Ms Cheyne: Thank you, Mr Rattenbury. I acknowledge the presence of people in the room—particularly Ms Haskins—who are dedicated to seeing reform in this place; and, if I may, personally apologise through this forum to Ms Haskins about the time that this has taken and effectively the radio silence from me. Yes, I have, largely informally, not a full response. I have asked the director for options to progress the recommendations, and I expect to receive that in the next week.

MR RATTENBURY: Has there been much engagement between the current coronial institutional stakeholders, the courts, with some of those stakeholders since the report was tabled? Are you aware of whether there has been anything? I take your answer on where you are up to with it; do you know whether there has been any institutional work?

Ms Cheyne: The CEO will be able to answer whether the courts have had any engagement.

Mr Wickham: I have read and acknowledge the previous statement. The Legge report was prepared for government, so it is a matter for government how they respond to that. We do not have, as we do for other parts of the court's jurisdiction, a formal user group where we get that sort of feedback. I would say that the Coroner, Mr Archer, is very heavily engaged in the therapeutic space, in talking with various stakeholders. It would happen on a more organic basis rather than a formal group of people as such. I think it was one of the recommendations of the Legge report to institute that. At an institutional level, there is no formal group as such.

MR RATTENBURY: I am very mindful, of course, of the separation of powers, which is often pointed out to the attorney, and the limits they have in directing the courts to

undertake activities. When you say it is a report for government, obviously, there is a barrier there for government in directing courts how to respond to it. I am interested in whether the courts have engaged in the report, looked at recommendations and, given that independence, taken your own independent actions.

Mr Wickham: Certainly, one of the recommendations of the report was to have a values statement around the nature of the jurisdiction being notionally a therapeutic jurisdiction. Certainly, we have engaged at that level, in devising and putting a values statement up on our website, which informs the work of the coronial court.

In terms of some of those other recommendations, yes, they are a matter for government, and they would require things to change at a legislative level. Certainly, our heads of jurisdiction engage with the Attorney-General regularly. This would be, I imagine, one of the matters that they would discuss.

MR RATTENBURY: Given the independence of the courts, why does the court not then have an independent engagement with the stakeholders?

Mr Wickham: I cannot speak on behalf of the Chief Coroner in that respect. I would say that, because we have a number of existing forums with people like police, the Law Society and the Bar Association, there are those forums for that exchange of information, and that could take place in that forum. In the coronial space, sometimes, because of the nature of the people who are moving through that system, it is less clear as to the kind of people that you would engage with. Unlike the criminal jurisdiction, where you would be routinely engaging with DPP or Legal Aid, there are not those obvious people that you would routinely engage with. Certainly, in engaging with Mr Legge in the report, the Chief Coroner indicated an openness to having some body of that nature.

MR RATTENBURY: In one of the recommendations of the Legge report, it identified that the ACT is somewhat unique in being the only jurisdiction where the roles of Chief Magistrate and Chief Coroner are held by the same or by one judicial officer, and they recommended that a review be undertaken. Perhaps your earlier answer addressed this, Attorney: what is the government's position on that recommendation of a review being undertaken?

Ms Cheyne: There is no formal position yet, but I have a personal view. I think that it is something that we need to look at. Given that the report recommends this, I think that is a pretty strong indicator that there is at least some perception in the community that they would like things to be done differently. It is the model, I suppose. When we are talking about a separate coroners court and a separate chief coroner, does that mean uplifting and creating an entirely new body and court, or is it really just a separation of the roles?

Because we are so small, that is really the detail that I want to get into. because the establishment of any new institution, given where we are at, at the moment, as a government, financially, would be challenging. Ultimately, it is about: what is the outcome that we are trying to seek by doing that and, working back from there, what is the appropriate model to achieve that?

MR RATTENBURY: With those questions, in some ways that is why the review will be an important pathway.

Ms Cheyne: Of course, yes.

THE CHAIR: My question is around the Law Reform and Sentencing Advisory Council. This year, we understand that it was disbanded. What was the reason for that decision being made?

Ms Cheyne: It had no ongoing funding, and there was the timeliness of the commissioned review into bail; it had not started. If it had started in early February, at the time that it was disbanded, it was going to be at least 18 months or two years until it would conclude. My perception in the community was that people wanted us to move faster than that.

THE CHAIR: Before it was disbanded, for how long was it in place?

Ms Cheyne: Mr Rattenbury will help me.

MR RATTENBURY: Eighteen months.

THE CHAIR: Eighteen months?

MR RATTENBURY: Something like that. I did not set this question up, by the way!

Ms Cheyne: No, and I do not want to misrepresent you. I feel like it was announced that it would be set up; then there was a bit of a delay in getting to the point where it was constituted with people—maybe six months. That is why I am not sure if it was 18 months or two years.

THE CHAIR: In that time what advice did it provide to government?

Ms Cheyne: The main thing that it provided advice on was around dangerous driving.

THE CHAIR: Who is providing that advice now that it does not exist?

Ms Cheyne: Effectively, all the same stakeholders who were represented on that advisory council. But the way that we seek their advice is, effectively, through particular forums—whether we need to get a working group together, because of something where everyone is approaching it from a different angle, and we need to put everyone in a room and talk it through, or whether it can involve directorate-to-stakeholder engagement, one to one.

THE CHAIR: Are there resources to do that, in a way that it was perhaps intended for the reform body to do—

Ms Cheyne: Some of the feedback that I have had was that the advisory council was potentially duplicating some of the engagement that we already do.

THE CHAIR: It brings me back to when it was first established. Why wasn't that part

of the consideration, in terms of the roles that the—

Ms Cheyne: I am not sure that it is a question for me, Ms Barry. I was not there. Certainly, I was in the room when the decision was made to establish it overall, but in terms of the drivers and the creation of it, that was the previous minister.

MR RATTENBURY: Minister, you said that you were looking to have outcomes on bail considerations sooner. Can you tell us what work is now being undertaken on bail questions and who is doing it?

Ms Cheyne: As you know, there was a discussion paper released in May and closed in June. Several of our justice stakeholders, in particular, needed a bit more time. The submissions to that have all been thoroughly reviewed, and there is a way forward. I expect to tell everyone about that way forward in this coming sitting week.

MR RATTENBURY: Okay; thanks.

MR WERNER-GIBBINGS: My question relates to the design phase of the new coroner's case management system. What was the consultation that took place through the design phase of that new system and who was it with?

Ms Cheyne: I think we might need to invite Mr Wickham back.

Mr Wickham: I am afraid I would probably need to take that on notice in terms of giving you a complete list of the people that were consulted with. It happened a little bit before my arrival at the court; so I would prefer to take that on notice. But I know that it has been through a very detailed design process and that there was consultation undertaken in connection with that. I am just not sure of the extent and I would prefer to give an accurate answer.

MR WERNER-GIBBINGS: Okay. It was: who, what were the questions asked and what were the answers that were received?

Mr Wickham: Sure.

MR WERNER-GIBBINGS: Okay. This is more thematic. There is a new system coming online which is designed to replace an old system, presumably.

Mr Wickham: Yes.

MR WERNER-GIBBINGS: Where are the improvements or where is the new system going to make things more efficient, hopefully?

Mr Wickham: The coroner's case management system has reached end of life. It is one of a couple of legacy systems that we have got, including the jury management system.

MR WERNER-GIBBINGS: This is effectively a program of applications and information to—

Mr Wickham: It is a case management system but it is also set up to assist us to do more regular therapeutic engagement with people who are moving through the coronial system. The existing records management system is a very simple records management system; whereas, the more detailed design is building in a lot of functionality in terms of enabling easier and more regular contact between individuals who are moving through the coronial system and the coronial court.

MR WERNER-GIBBINGS: Is it a bespoke system or is it off the shelf? Who is building it?

Mr Wickham: It is, yes. It is a collaboration between courts and DCBR.

MR WERNER-GIBBINGS: What is your timeframe for when it will be going live? I presume there will be a soft launch and then working into it?

Mr Wickham: It is a work in progress, but we are aiming for December 2026.

MR WERNER-GIBBINGS: For it to be fully operational?

Mr Wickham: Yes.

MR WERNER-GIBBINGS: I will come back to you then.

MR RATTENBURY: I want to go back to the issues of coronial reform. The Legge report noted that there was a gap in the provision of supports to, advocacy for and assistance to all coronial families. That was one of its findings. It noted the gap was partially filled by Victim Support ACT in circumstances where a matter before the coroner involves a related criminal matter. That is a positive. But it has been recently identified that the family liaison officers are instructed not to offer any support to families in the coronial system where those families have their own legal representation—so a clear delineation. Firstly, is that correct? What is the basis of that decision?

Mr Wickham: My understanding is that that is not entirely accurate. I think what that statement might refer to is a general proposition that, where someone has legal representation, you would not contact the client directly; you would contact their lawyers, just as a matter of general practice. I would need to double-check this, but I think our family liaison officers would have no limitations in the clients that they speak to. It may be that, as a first port of call, they would approach the lawyers to sort of say, "We have got the postmortem results; we would like to talk to you about them." So that might be the first port of call. But I do not think my staff would think that they are unable to talk to a person in the coronial system simply because they are legally represented. They might just first check with the legal representative in the first instance.

MR RATTENBURY: Thank you. Perhaps on notice you could confirm for the committee whether or not there is a formal policy.

Mr Wickham: I am not aware of a formal policy, but I will certainly check that.

MR RATTENBURY: Or a practice.

Mr Wickham: I will certainly check that.

MR RATTENBURY: I would appreciate that; thank you. I think the rest of my questions will have to wait to see the answer to the question on notice. Thanks.

THE CHAIR: My question is around the cost of service. Why was the net cost of service higher than the forecast in 2024-25, and will these increased costs be ongoing?

Ms Cheyne: What page are you referring to?

THE CHAIR: Page 227 of the JACS annual report.

Ms Cheyne: I will invite to the table Dragana, who knows these figures inside out.

Ms Cvetkovski: Sorry; can you tell me which page you are on?

THE CHAIR: It is page 227. The actual net cost for 2024 was $530.2 million and the budgeted figure was $507.9 million.

Ms Cvetkovski: And the budgeted figure you are referring to is for 2025-26 onwards?

THE CHAIR: The actual net cost for 2024-25 is $530.2 million and the budgeted figure was—so the previous—$507.9 million. So there is an increase.

Ms Cvetkovski: The total net cost of service was actually higher by 4.4 per cent than its budget, mainly relating to higher expenditure. Down a bit further in that document we talk about what that covers. It is mainly to do with employee expenses--$33.3 million overbudget. That relates to increased staff employed, including overtime, to deliver government priorities. It also includes staff that are funded by own-source revenue and other sources which were not necessarily budgeted originally.

This particular report compares actuals against original budget. So any sort of new funding that we might have received during the year—let's say through the budget review process or any other sort of external funding resources—would not be reflected in the original budget. It does not necessarily mean it is a cost pressure but it does sort of look like additional expenditure against that particular original budget.

The other things in there relate to increased annual leave and long service leave provisions. That is a non-cash item. It is really an accounting entry, but it obviously affects the bottom line and expenses line. We have additional grants and purchase services of $3.9 million. That mainly relates to additional funding that was received through the Disaster Ready Fund round 1 from the commonwealth and other expenses which relate to a different ministerial portfolio. That is an additional provision that has been recognised for PFAS contamination on ESA stations.

THE CHAIR: Okay. The forward estimates is showing a decrease in expenditure and an increase in own-source revenue. What sources of additional revenue are forecasted and what assumptions underpin this increase?

Ms Cvetkovski: On the additional own-source revenue in this space, I might need to take on notice the exact answer to that. But, from my memory, we did have a reduction in future use starting from 2025-26 where our controlled recurrent payments were reduced because of direct appropriation to ICBI relating to our rent and outgoings for our properties. That will increase our own-source revenue but obviously reduce controlled recurrent payments. The table that you are referring to does not have controlled recurrent payments where you can see that decrease. That is probably the main variance, but I might need to potentially take it on notice and explore it further.

THE CHAIR: Sorry; could you explain that again? So ICBR will be paying you rent?

Ms Cvetkovski: We have transferred our appropriation to ICBR. They will be paying rent on our behalf.

THE CHAIR: Okay. Is that the $10.5 million decrease from 2024-25 in your future years? Does that account for that $10.5 million decrease?

Ms Cvetkovski: I am talking only about own-source revenue here.

THE CHAIR: Just on own-source revenue?

Ms Cvetkovski: Yes.

THE CHAIR: What is that 10.5 million that is ongoing?

Ms Cvetkovski: I will need to take that on notice.

THE CHAIR: Okay; that is the one. Thank you.

Ms Cvetkovski: No worries.

THE CHAIR: My other question is: what risk factors could threaten the projected downward trends in the net cost of service across future years?

Ms Cvetkovski: I will need to take that on notice.

THE CHAIR: Thank you. Maybe you will need to take this one on notice: how has the directorate accounted for pressures such as inflation, wage increases, operational costs and increased service demand in its forward years?

Ms Cvetkovski: We can take that on notice as well.

Mr Johnson: Yes; I think it is probably best to take that on notice. There are some complexities to the question, I think. I would rather take it on notice and give you a fulsome answer rather than try to answer it here.

THE CHAIR: Thank you. I have one more question—probably on notice as well. Does the directorate expect demand for services to rise in the forward years? If so, how will service levels be maintained in the context of reducing expenditure?

Ms Cvetkovski: We will take that on notice.

MR WERNER-GIBBINGS: I have a question for the Human Rights Commission on the mission of the commission to meet an objective of increasing—

Ms Cheyne: Mr Werner-Gibbings, they are not here.

MR WERNER-GIBBINGS: They are not here?

Ms Cheyne: They have their own time.

Ms Hutchinson: I think they have had it.

Ms Cheyne: They have had it.

MR WERNER-GIBBINGS: I missed that. I will put it on notice.

MR RATTENBURY: Attorney, I want to ask about the Jumbunna review. When we asked the Minister for Aboriginal and Torres Strait Islander Affairs last week she indicated you had overall responsibility for the coordination of the government response. I just want to explore how that is going to work. Obviously, the recommendations cut across all of government, as we all know. What is the process for your ability to bring other ministers on board to deliver on those areas for which they clearly have responsibility?

Ms Cheyne: Thank you, Mr Rattenbury. I certainly have responsibility for commissioning the report, through you, and then for this initial delivery and guiding that through the necessary government processes. Ultimately, you have hit the nail on the head: this really is a whole-of-government exercise that needs to be coordinated in that way.

I hope I am not speaking out of turn here, but I think you are aware—I think this is public—that the Closing the Gap Subcommittee of cabinet has been established. As I said, in consultation with the Elected Body, we now think that there is a way forward for the First Nations-led justice group to be established soon. I think that has been agreed in principle, but we need to finalise the proposal of exactly what that looks like and get agreement through the usual processes. Effectively, that body exists; it is the Elected Body. Particularly given that so much of the Jumbunna report either directly reflects or dovetails with much of the work under the Closing the Gap phases—of which they also have direct oversight—they have said to us, and I agree, that they are appropriate instead of establishing something entirely new so that we are not duplicating effort, I suppose. But it is still a big ask.

That is why the formulation of that exact proposal of how this will look with this big work program of Jumbunna needs to be finalised. With that and the subcommittee, they are effectively the two mechanisms that will be the oversight coordinators of the work right across government.

MR RATTENBURY: Just to clarify: is it the Elected Body or the justice committee

that will be the non-government oversight element? I lost you slightly there.

Ms Cheyne: It is the Elected Body, and we are just looking at overall justice capacity for that body as well to ensure that they are properly supported.

MR RATTENBURY: So, effectively, the subcommittee of cabinet and the Elected Body would be the sort of holders of accountability? Is that a fair summary of what I think you just said?

Ms Cheyne: I certainly would not say that the Elected Body needs to be accountable. This is government.

MR RATTENBURY: I meant the oversight of it.

Ms Cheyne: As the overseers of making sure that government does what it says it will, absolutely.

MR RATTENBURY: Okay; thanks.

THE CHAIR: I have questions around court efficiency. From 2024 to 2025, 59 per cent of Supreme Court cases were finalised within 12 months of lodgements against a target of 80 per cent. The variance is attributed to judicial leave, limited sitting weeks and significant increase in trial complexities. What effect has the DPP's current prosecution policy, particularly relating to affirmative consent, had on the court's workload?

Mr Wickham: I would not be able to speak to the percentage that would be attributable to changes to definitions of consent. But, certainly, what we are seeing in the Supreme Court space is an increase in the length of trials and an increase in the number of sexual assault matters that are prosecuted in the court. Those trials will often involve things like pretrial evidence, which have to be overseen by a judge. So that will extend the length of the trial. I guess those figures do reflect the increasing complexity and length of trials that the court is facing, together with a limited number of judges to do that work as well.

THE CHAIR: You said "pretrial evidence". That has always existed. What is the new—

Mr Wickham: Probably the increase in the number of sexual assault matters that are referred to the court. In the ACT, the practice appears to be that a lot of that evidence is prerecorded. It is not a mandatory requirement, but it is a practice which exists in the ACT—indeed, in a lot of other jurisdictions—that the evidence of a complainant will be recorded, supervised by a trial judge with counsel present. It also means that, when it comes to trial, that actual evidence then has to again be played before the jury. They are complex matters. Also, with sexual assault matters, you will often see a lot of interlocutory applications. There might be applications around tendency evidence and coincidence evidence. All the usual pretrial sorts of matters often will arise in sexual assault matters.

THE CHAIR: You said that you cannot attribute the percentage to the affirmative

consent laws.

Mr Wickham: No; I would not be able to do that.

THE CHAIR: And there is no way you could do that; is that right?

Mr Wickham: We could possibly do it by working closely with the DPP to see what sorts of matters involve that question of affirmative consent. But it would be a difficult—

Ms Cheyne: Affirmative consent is certainly one thing but, if you look at the justice system approach that we have had over the last four years—when it comes to sexual offences and historical sexual offences, Policing's response to sexual offences, an investigation of the fact that a number of those have been reopened after the SAPR report—in addition to law reform and the establishment of the dedicated Sexual Violence Unit in ACT Policing—all of these are good and worthy investments but they are changing the nature of the workload. For example, there were 33 Supreme Court trials in in 2020-21 and eight of those, or 24 per cent, were sexual offence trials. In 24-25, 47 trials were conducted and 33 of those were sexual offence related. That is 70 per cent of them. So, when you take into account the level of complexity with those from the time of the first mention to the actual trial itself, timelines become lengthy.

THE CHAIR: Minister, obviously, there is an increase across the board. What are you doing to address this increase? How are you responding to the increasing complexity?

Ms Cheyne: Again, as I think as we have canvassed quite a few times, it is about the entire justice system. Obviously the No 1 thing we want to do is stop sexual assault. We want it to be prevented. But, where it is happening, we also want justice to be afforded to the victims fairly and in a way that is trauma-informed. I think this sharp increase has been just in the last few years, and we need to look at how we are funding everyone, in the context of the DPP but also Legal Aid and the courts, to try and take some of that pressure off overall. But, again, all of that costs money.

THE CHAIR: Minister, on your comments around a trauma-informed approach to victims of sexual assault, we understand that a delay in prosecution is also exacerbating trauma. That is just a side comment. The courts have also reported an increase in complexity across all criminalities. What is driving that? Apart from sexual assault, what is driving that increase?

Mr Wickham: It is very hard to describe that in a single silver bullet that explains the increasing complexity. Criminal matters are always complex, because there are a number of different stages in the proceedings. It is difficult to give you one answer about what that increase in length of trial is attributable to. It can be to just the nature of the matters involved, the nature of the evidence, the need for expert witnesses, interlocutory skirmishes, availability of counsel and availability of Legal Aid. There are just so many factors that go into that question.

THE CHAIR: You probably have a broader understanding of those complexities. What do you think the government can do to assist the courts ensure that, again, prosecutions are done in a timely manner and that victims of sexual assault, for

example, do not have to wait years before matters are finalised?

Mr Wickham: The courts always do their best to bring matters on in a timely way. There are things that are beyond our control, of course. Matters come to us and then we deal with them. All that happens before they come to us is not within our control. Once they are in our system, then we try and case manage those cases as effectively as possible and to deal with them as efficiently as possible. But, inevitably, these things take time to make their way through the system.

Going back to your earlier question around affirmative consent, I think those laws are kind of fairly recent. So we probably would not have seen a lot of matters coming through to the Supreme Court trial phase as yet. They will be in the pipeline. I am not aware of prosecutions specifically based on affirmative consent, but they would be in the system, I would think.

THE CHAIR: Thank you.

MR RATTENBURY: I want to ask about electronic monitoring. We spoke with Minister Paterson about this a couple of days ago. Which minister will have responsibility for drafting legislation that will enable electronic monitoring? Is it you or Dr Paterson?

Ms Cheyne: Dr Paterson.

MR RATTENBURY: That was quite a definitive answer, and I am slightly surprised. Under which legislation or under what area of government will the enabling legislation be put together? Corrections generally does not do that kind of policy work.

Ms Cheyne: No, but Minister Paterson is still supported by the policy team in JACS.

Mr Johnson: I have read the privilege statement. The teams that support the attorney have a capacity to provide support. What is not implied in that is that the work and the policy work would be done within corrections, which is an operational agency. No, it will be done within JACS, in support of Minister Paterson.

MR RATTENBURY: I want to come back to the questions that I was asking earlier about the family liaison officers. I now have in front of me a report prepared on behalf of Victim Support ACT, as part of the coronial restorative reform process. It was written by Lindsay McCabe for Victim Support ACT, and it goes back to my earlier question about the ability of family liaison officers to support people who are legally represented. I will quote from the report:

> It has become apparent that when a family has legal representation the FLOs are not able to provide them with support. This is not clear for the families, nor is it outlined on the Coroners Court web page. This lack of a clear explanation as to why support is not provided along with the 'lack of support' itself, adds to the trauma and distress of families …

And it goes on.

Mr Wickham: I have an update online from my team.

MR RATTENBURY: Terrific; thank you.

Mr Wickham: There is no policy that would restrict FLOs from talking to people who are legally represented. With respect to what that might stem from, our legal officers within the coronial unit may talk to legal representatives about legal questions that arise. The FLOs would then provide logistical, practical support around hearings, but would encourage the lawyers to explain the legal process to the clients. Certainly, there is no practice or policy in effect which would stop FLOs talking to people who have legal representatives.

MR RATTENBURY: Why has Victim Support ACT or their consultant drawn this conclusion, given that explanation?

Mr Wickham: I do not know.

MR RATTENBURY: Is it worth perhaps taking it as an outcome? We can make a recommendation, but—

Mr Wickham: I am certainly very happy to talk to them. I would encourage them to get in touch with us, if that is something that has been reported to them. Certainly, that is not the approach which is taken by the FLOs. There could be some misunderstanding about what they could be talking about. It may have been a situation where the FLOs said, "That goes to a legal question. Perhaps talk to your legal representatives for that sort of information." The FLOs are really talking about the process and trying to support people in that process, rather than giving them pure legal information.

MR RATTENBURY: Thank you. Perhaps the committee will consider whether we need to make a recommendation for the Coroner's Court web page to be clarified or updated, given the confusion that seems to exist.

Mr Wickham: Certainly—

MR RATTENBURY: You can contemplate that, and we will contemplate that, and—

Mr Wickham: Yes, I will certainly be looking into it.

MR RATTENBURY: Thank you. I would appreciate that.

THE CHAIR: I want to go to DPP funding. We have already heard directly from the Director of Public Prosecutions. I want to get your views on where we are up to with the funding promised to the DPP. I understand that there was a vote in the Assembly. I wanted an update on that.

Ms Cheyne: It is subject to budget processes, like all funding.

THE CHAIR: Subject to the next budget process? Okay. Funding for legal assistance—

Ms Cheyne: The same thing.

THE CHAIR: The same thing; so that is going through that process. What evaluations or monitoring are in place to ensure that programs are meeting their stated objectives?

Ms Cheyne: What programs?

THE CHAIR: Legal Aid, for example. Do they have KPIs, for example? How are you ensuring that it is providing the services that are cost effective?

Ms Cheyne: Overall, I would reflect on the evidence of Dr Boersig, that Legal Aid does a lot and makes a dollar go pretty far with what they have. Like everyone, they are affected by the complexity of cases, the number of matters that are before the courts, and legislative reform, effectively. I acknowledge that both DPP and Legal Aid have asked for baseline funding reviews. In terms of their programs, I would need to go through the Legal Aid Commission's own annual report in detail to see about the evaluation of programs, but my overall understanding is that what they do is pretty effective. It is regrettable that some programs that were effective, like the support for refugees, were discontinued due to withdrawal of commonwealth funding.

THE CHAIR: From memory, Dr Boersig's evidence was that there are vulnerable Canberrans who are missing out on appropriate assistance because, as much as they try to fund tier 1 and tier 2, they only fund—and I could be wrong—the cohorts with the highest need. How have you taken that into consideration in terms of future funding allocations?

Ms Cheyne: We are going through that process right now. But what I would point to is the announcement of the additional magistrate, and there was supported funding for both Legal Aid and the DPP through that overall funding profile. I think he said tier 1 is what they fund, and that bit into tier 2. They are seeing demand increases as well, and decisions have to be made in accordance with the framework they have on how to get assistance.

THE CHAIR: I understand that this is a consideration for future budget processes. How did you determine priority previously, noting that there is the tier 1 and the tier 2, according to Legal Aid? How do you—

Ms Cheyne: Priority for what?

THE CHAIR: For funding. How do you determine—

Ms Cheyne: The ERC does—the Expenditure Review Committee of cabinet.

THE CHAIR: How does that process happen? For example, is it like saying, "We're going to give you $50, and you go and do whatever," or "These are the funding priorities, these are the cohorts that we are looking to target," so you project that and you fund that? How does that decision play out?

Ms Cheyne: It is probably a question for the Treasurer. I am happy to give you the steps. Business cases are prepared, based on discussions with relevant agencies, directorates and the minister's office. Approval needs to be sought to bring those

forward to the subcommittee. They get drafted. They go before the subcommittee, and the subcommittee makes decisions on the basis of everything that is before them. That is how the budget is made.

THE CHAIR: Dr Boersig's evidence was that they are at their wit's end. They are dipping into their reserves, and further predictions were put into the business case. How did it occur that they have had to wait another additional 12 months for them to be able to provide services to the most vulnerable? That is my question.

Ms Cheyne: We are in constant conversation with all of our agencies about their pressures. We, effectively, were able to fund them to the extent that we were able to fund them. What I could do, I did.

THE CHAIR: Minister, I understand that there are pressures—

Ms Cheyne: Yes, welcome to my world.

THE CHAIR: What are we saying then to the other tier 2, who are left out? "We've done what we can." Is that what we are saying?

Ms Cheyne: There are pressures in every part of government at the moment. If the committee has recommendations on how more funding can be provided to the justice sector, I will take them.

THE CHAIR: He already provided you with what he needed. He had already put it in a business case. He had already done that. What would change if we did that? What would change—

Ms Cheyne: I think that you are verballing him. I would not say that that is exactly what has occurred. I would say that, ultimately, the budget is a negotiation, and everyone respects that.

MR RATTENBURY: I want to ask about legal policy relating to sex work. I note your announcement that you intend to issue a discussion paper. Are you able to give us an indication of the timeline for when that discussion paper will become public?

Ms Cheyne: Before the end of the year.

MR RATTENBURY: Terrific. What will be the consultation period for that?

Ms Cheyne: That is what we are working through at the moment. The paper is drafted, and we wish to seek some advice of experts in that field on the content and the nature of some of the language in the discussion paper, simply to make sure that it is appropriate. As you know, discussions in this space can be quite inflammatory. Once I am satisfied that they are satisfied, I hope to release that.

I appreciate Christmas is not an ideal time. I expect it would be longer than our usual consultations. I also think it should be pretty straightforward in terms of how we release it and encourage people to have their comments. That will, I would hope, give the community buy-in in the reforms, particularly noting it is not novel in Australia. In fact,

the ACT is pretty strict, as we know. I am hoping that that would conclude in the first half of the year, so that any reform that is ultimately decided on, if it is decided on, would occur in the second half of next year.

MR RATTENBURY: I presume the discussion paper will be a normal YourSay or community consultation. Have you or the agency identified particular groups of stakeholders that need to be particularly engaged?

Ms Cheyne: Yes. The sex work reform alliance, the Scarlet Alliance. Absolutely, Policing. My brain is stopping.

MR RATTENBURY: The officials might rescue you at some point.

Ms Cheyne: Yes, that would be nice!

MR RATTENBURY: We could perhaps come back to that—

Ms Cheyne: Meridian.

MR RATTENBURY: Yes, okay.

Ms Cheyne: I am sure I have others.

MR RATTENBURY: One thing I am conscious of is that Meridian was previously funded through the health department to auspice, for want of a better word, the Sex Worker Outreach Program. That funding has now been stripped, so they are not allowed to do any advocacy work. In the context of a significant consultation process coming along, in some ways, another part of government has removed some of the capacity to engage in the process.

Ms Cheyne: I did not know that.

MR RATTENBURY: Despite the willing individuals—

Ms Cheyne: Of course.

MR RATTENBURY: has any consideration been given as to how that gap might be addressed?

Ms Cheyne: No, because I just learned about it. I am glad to know about it. Again, what I do hear, as we look to drive a pretty heavy legislative reform program, is that everyone has their usual jobs to do. With requests from government on consultation, we do need to reflect that they need time to prepare responses and to be consulted.

I will take that advice from you, Mr Rattenbury, and we will check with Meridian about how much time they think they might need to be able to be satisfied that they have been consulted properly and substantively.

MR RATTENBURY: Thank you. I have one last question on this. I want to understand the rationale for having a discussion paper as the first step rather than potentially going

straight to a draft bill or a bill process that can then go to a committee and the like. Is there a particular reason that you wanted to go down this path?

Ms Cheyne: I think it relates to my earlier answer, which is community buy-in. I think it is a conversation that we are mature enough to have in this city. Sex is happening everywhere, and paid sex work is happening everywhere. We should be ensuring that the safety of those workers is paramount. Having a community conversation about that is useful. The community buy-in, I think, also sends a powerful message to that workforce. On the flip side of that, I can imagine that if I just came out with a bill, there may be detractors on something that I want to be a thoroughly good experience and where people feel safe.

THE CHAIR: I have a few questions on the age of criminal responsibility. I am hearing increasing reports of young people being targeted and exploited by organised crime gangs because they can no longer be charged. In fact, there was one instance where a report reached me that the police had stopped this young person and the only thing they could do was say to him, "Can you please give me the car keys, and can I please drive you home?" My question is: what are we doing to prevent and prosecute this? Is there any work being done to understand—

Ms Cheyne: I think the legislation makes, effectively, the procuring of a young person to carry out the crime an offence.

THE CHAIR: Okay. Have you heard of these reports? Have these reports reached you, that there are young people who—

Ms Cheyne: No, not that.

THE CHAIR: Is there any value in introducing a process to enable the courts to direct young people under the age of criminal responsibility to attend counselling or diversionary programs? It is now voluntary; that is my understanding. There is no pathway, because they are not before the courts, for this young person to be formally directed to attend a program.

Ms Cheyne: It is happening before they would be reaching the court, because they do not meet the age of responsibility, if I am understanding you correctly. The diversion to the therapeutic support panel is happening at the time of their interaction.

THE CHAIR: But that is voluntary—or am I wrong? Is it voluntary or is it compulsory that a child who has been found to have engaged in behaviour would go through a therapeutic support panel?

Mr Johnson: There are mechanisms. I am not an expert on the act. Certainly, there is an enforceable arrangement for children in certain circumstances that do not amount to a criminal offence, of course, but that can enforce certain therapeutic activities for that child. The legislation does allow for it.

THE CHAIR: How would that play out?

Mr Johnson: The questions are probably better directed to the Health and Community

Services Directorate primarily, because they are giving life to the machinery, in many respects—

Ms Cheyne: It is Minister Pettersson, Ms Barry.

MR RATTENBURY: This really is the justice portfolio.

Mr Johnson: Yes.

Mr Ng: It sits in the background of the Children and Young People Act.

Ms Cheyne: Yes.

THE CHAIR: What impact has the change of age of criminal responsibility had on recidivism rates for young people? Are you tracking that? Are you seeing any trends?

Ms Cheyne: It has only been in place for—not even five months. I suppose the feedback that I have heard directly from the Chief of Police is that it is working well. That is not necessarily a direct answer to whether it is reducing recidivism. Of course, how you count recidivism is over a period of time, really. The fact that police have confidence in the program gives me a lot of confidence.

THE CHAIR: And services as well?

Ms Cheyne: Yes.

MR RATTENBURY: I want to ask about restorative justice. I note the references in the annual report to ACT Courts and Tribunal and ACT Policing being the biggest sources of referrals. In previous years, we have heard that the Director of Public Prosecutions has perhaps had some reluctance to refer. Do you know whether there has been any change in that pathway into restorative justice?

Ms Cheyne: I will invite Ms Hutchinson to the table. I would note that, up to the start of this year, there was a backlog, a not significant one. I think the backlog was broadly understood by a number of usual referrers. The backlog was entirely eliminated near the beginning of the year. Certainly, with everyone I have spoken to who would be a referrer, we have made it clear to them that the door is open, and matters can be heard and progressed much more quickly. In terms of DPP, I will hand over to Ms Hutchinson.

Ms Hutchinson: I have read and acknowledge the privilege statement. In relation to the referral rates from the DPP, now that we do not have a wait time to access restorative justice services, we have been actively engaging with referring entities, including meeting with the DPP, to work out how we might make that referral pathway more accessible, and those conversations are still ongoing.

MR RATTENBURY: I note in the annual report there is a fascinating statistic that identifies that 58 Aboriginal and Torres Strait Islander people were referred to restorative justice in 2024-25. It goes on to say that three cases progressed to formal conferences in the financial year. I am interested in understanding what you can tell us

about the gap there. I appreciate that there will be a level of nuance; can you explain to us why so few progressed to a formal conference?

Ms Hutchinson: Absolutely, Mr Rattenbury. There are a range of reasons why matters referred to restorative justice may not progress to a formal conference. Some of those relate to the nature of the matter, the careful work that the conveners do to ensure the suitability of a matter for conference, including safety of all participants.

In relation to the nature of referrals received for Aboriginal and Torres Strait Islander participants, we have been doing some careful work with the key referring entity, which is the Galambany Court, about the types of referrals that we are receiving, so that we can ensure that we are seeing more of those translate to conference. That includes work with the court and potential participants about understanding what is involved in the process.

MR RATTENBURY: Does this data mean that, with the 55 cases that did not proceed to formal conference, they all went back into the court process, or are there other pathways that those 55 individuals will have gone down?

Ms Hutchinson: Some of those matters may still be on foot in relation to restorative justice. There would not be one single pathway and outcome in relation to them. It would be very dependent on the specifics of the matter. I can take that question on notice, if it would be useful.

MR RATTENBURY: I am trying to explore—it may help you to answer the question on notice—whether there is a suitability problem for Aboriginal and Torres Strait Islander people in this model, where a lot of them are ending up back in the court process because either the referrals are not the right ones or there is some other issue there that is seeing a particularly low rate of success. You know my views on this. I am very supportive of restorative justice, and I want it to work well, so I am interested in understanding whether there is an issue there that we need to be looking at.

Ms Hutchinson: Given those referral statistics and the rates of translation to conference, there is probably more work for us to do in the space in terms of creating an environment where we see those outcomes in relation to conferences completed. As you are aware, we have a First Nations guidance partner and a First Nations convener within the Restorative Justice Unit. Those positions are designed to ensure that our processes are culturally safe and culturally responsive. Given the statistics from the last year, there is probably more we can do to uplift in this space. Part of that work is work we are doing with referring entities around suitability for referral.

THE CHAIR: My question is around organised crime motorcycle gangs. Can you provide an update on the range of measures that the government has to deal with organised motorcycle gangs?

Ms Cheyne: I will hand over to Mr Johnson in the first instance regarding what suite is currently available.

Mr Johnson: It is probably a question that will be better asked of the minister for police, which is in the following session. Of course, many of the measures that are in place are

Policing measures, operational measures. Again, we could not talk so much to them. My best suggestion would be to explore it with the police minister in the next session. Daniel might have some useful advice.

Mr Ng: I can refer to the legislative framework that is currently in place to deal with criminal gangs. In 2019, the Assembly passed the Crimes (Disrupting Criminal Gangs) Legislation Amendment Act, and in 2020 the Assembly passed the Confiscation of Criminal Assets (Unexplained Wealth) Amendment Act. The first of those pieces of legislation introduced a graduated sentencing scheme for specific offences that are committed in connection with or while a person is associated with a criminal group. The act also introduced new affray offences with tiered penalties. They were specifically introduced in relation to criminal gang activity. They were subject to a review in the past couple of years.

The other piece of legislation that I mentioned was the Confiscation of Criminal Assets (Unexplained Wealth) Amendment Act. That piece of legislation introduced an unexplained wealth scheme for the ACT, and authorities are able to apply for an order to seize property for a person connected with serious criminal activity where the person is unable to articulate or show where their wealth was lawfully acquired.

The second of those measures arose out of the recommendations of a piece of work that government commissioned. Government sought advice from academics, I think from Bond University, about what the best measures were to deal with organised crime. One of the recommendations there was that unexplained wealth laws would be beneficial for introduction into the ACT's legislative framework.

THE CHAIR: With the confiscation of criminal assets (unexplained wealth) legislation, do you know how many orders have been issued?

Mr Ng: I do not have that information. I am happy to take it on notice.

THE CHAIR: Thank you. The legislation has been in place since 2020. Are there any plans for a review?

Mr Ng: I believe there is a statutory review that is built into the scheme.

THE CHAIR: I understand that Dr Paterson was on radio referring to stopping motorcycle members wearing colours. Do you know what legislation she was referring to?

Ms Cheyne: It is not legislation that currently exists here, but it is something that we are exploring.

THE CHAIR: It does not currently exist; it is planned work, for review or for implementation?

Ms Cheyne: To look at it, yes.

MR RATTENBURY: I want to ask about alternative reporting sites for First Nations people who are having to report when they are on parole, particularly; also, for bail.

I know there have been some set up. I want to seek an update on how many are running now, where they are, and whether there has been any evaluation of the value of those sites.

Mr Johnson: Also, technically, this is in the corrections minister's space, so my answer would be out of portfolio. I can say that there are three sites. They are the three sites that have existed previously. Those three sites are Yeddung Mura, Winnunga and a site in Belconnen called CAHMA.

There was some evaluation work done some time ago. I do not have that, and we would have to get that on notice. We can provide that, in terms of the evaluation of the success of it. Broadly, the success was high. It was high, in part, due to the fact that people were coming to a place that could service them not only in the context of their parole or bail, but also in other things. You could do medical services whilst you were there. It proved to be very efficient, and it brought people to a place where they might not have otherwise come to have a medical examination, have vaccinations done or a range of other things.

There was some consequent value in that exercise that probably was not originally contemplated, but I think we see that as a real strength in the model. Also, it was seen very positively by those involved in it, as they were not necessarily entering police stations or trying to get transport into the city and so forth. It is likely to have led to a more successful parole outcome. The evaluation is a little dated now, and I would have to take on notice and come back regarding what the evaluation said.

MR RATTENBURY: Thank you. One of the things I am keen to understand is whether there is any measure of whether it has been successful in reducing justice procedure offences, which we know are common particularly for Indigenous Canberrans, and whether that is one of the metrics of the evaluation and whether we are seeing progress in the space.

Mr Johnson: We would need to take that on notice. I cannot remember the actual detail of the evaluation and whether we had enough data to say that. A little bit of time needs to pass, to get a sense of it.

Ms Cheyne: We will take it on notice and see what we can get for you.

MR RATTENBURY: I appreciate that; thank you.

THE CHAIR: My question is around future directions. On page 18, the priorities for 2025-26 are outlined, particularly establishing the Justice Futures grant fund to address service gaps in the justice system and improve criminal justice outcomes. I want to understand what progress has been made so far in establishing this fund.

Ms Cheyne: It has, effectively, been going through a process of co-design with community. That is all I can think of right now.

Mr Ng: A previous budget funded a resource within the directorate and funding for an external provider to conduct the co-design process, to ensure its authenticity and independence. That process has been carried out now. The next stage is for the report

of that co-design to be provided to and considered by government, to inform consideration of decisions around the fund itself.

THE CHAIR: Who was the external provider for this fund?

Mr Ng: I am sure I have this, but—

Ms Cheyne: Curijo.

Mr Ng: Yes, that is right.

THE CHAIR: Do you have any information on how the fund will be structured or do we need to wait for the report?

Ms Cheyne: That is a matter for government.

THE CHAIR: What community-led projects or services gaps are intended to be targeted?

Mr Ng: I think that matter will be fleshed out when the government decides upon the status of the fund.

THE CHAIR: How much money will be directed to this fund, and would there be requirements? What requirements would be provided?

Ms Cheyne: These are all future decisions for government.

THE CHAIR: How will the success of these community-led initiatives be measured?

Ms Cheyne: TBC.

THE CHAIR: Thank you. I am asking these questions so that, when the report comes out, we can measure that against them.

MR RATTENBURY: I want to ask about the ecological sustainability report in the annual report. I particularly want to ask about some lines in here. I was pleased to see an acknowledgement of the use of some key fossil fuels declining—acknowledging JACS's progress on that. I did see that electricity use went up materially for the agency. Are we able to understand why that was the case?

Mr Johnson: Do you have a reference?

MR RATTENBURY: Yes, it is page 224 of the annual report, if that helps. I am conscious that some of these figures are across the agency, and probably emergency services.

Mr Johnson: I have the figures here in analog form. I will look momentarily to the directorate and whether Aaron has anything more substantive that he can add to this, but the answer perhaps is no. Maybe the answer is best taken on notice. I would say that, of course, it was a particularly cold winter. Consequently, with things like heating

and so forth, the AMC is primarily one of our biggest absorbers of energy. I intend to take it on notice to find out more detail about what the driver might be of that increase.

MR RATTENBURY: Thank you. There was, in a positive frame, a very significant reduction in the use of liquid petroleum gas. Can you outline for us how that was achieved?

Mr Johnson: I think I will need to take that on notice as well, because we will have taken some gas supplies offline somewhere. We will need to know exactly where, so we will need to come back to you—

MR RATTENBURY: LPG is slightly different to piped gas.

Mr Johnson: Absolutely; we will need to come back to you on notice.

MR RATTENBURY: Thank you. My next one relates to the vehicle fleet. It is listed that JACS continues to have 230 internal combustion engine vehicles. Again, I am mindful that quite a few of those are presumably with ESA. Do you have an actual breakdown of the fleet? The question I particularly want to understand is JACS's progress in transitioning from standard vehicles to zero emission vehicles. We all appreciate that the fire trucks are more challenging—all those kinds of things. Certainly, I do not want to get into that space, because that has been flogged like a dead horse, in an unfair way. That is a different discussion. I would like to understand how you are going with your standard vehicles in moving to zero emission vehicles in the fleet.

Mr Johnson: The short answer is that, again, I will need to take it on notice to break those down. I do know that we have made reasonable ground in terms of standard vehicles, and chargers that have been placed in buildings where standard vehicles can be plugged in. I know that in the corrections basement there are all sorts of new chargers and the vehicles to be charged on them. Progress is being made there. I think you are right to reflect on the fact that some of the vehicles in, for example, the ESA fleet will probably, for a while, still have some degree of combustion, as opposed to electronics. I will need to take it on notice to get a breakdown of the fleet and the progress towards that, just to be accurate.

MR RATTENBURY: Thank you. My last question in this space is: we see a 3.6 per cent increase in the waste to landfill from the agency. Probably on notice, can I find out why? Again, that is quite a significant increase for the agency. Do we have any explanation of what drove that increase?

Mr Johnson: We will definitely need to take that on notice, because I will need to take into account what is in that and what is out of it. There could be a range of reasons for that.

MR RATTENBURY: Sure.

THE CHAIR: The other half of my question around future directions is on progressing reforms in freedom of information and information privacy laws. I want to understand how you are seeking to reform these laws.

Ms Cheyne: We had a review of the FOI Act which I tabled in the last few weeks, in September. That has given us some valuable information to inform future direction. Ultimately, what we proceed with is still a matter for government.

THE CHAIR: What timelines are you looking at, for these reforms to take place?

Ms Cheyne: Certainly, in this term. However, there is quite a lot of legislative reform pressure across the agency, and I am seeking a bit more of a program plan that does not send the Parliamentary Counsel's Office into a world of hell, let alone our policy teams. I have very small teams, both PCO and our policy teams, driving a lot of reform at the moment. In terms of timing, I cannot give you an exact date because I am still working through everything that we have and looking at what is the best order.

THE CHAIR: What outcomes are you seeking to achieve with these reforms? What are the tangibles?

Ms Cheyne: That is a matter for government.

THE CHAIR: A matter for government, okay. The directorate report also says, "Enhance digital systems and data capability across justice services to improve transparency, service delivery and outcomes." What changes are being made to achieve this outcome?

Ms Cheyne: I think I can be pretty frank with you, Ms Barry, that, across our justice sector, data collection is poor. It is due to a range of reasons, but a lot of it is because plenty of things are paper-based or not being run necessarily through a case management system. With respect to where we are looking to invest, it is about how we can modernise the justice sector as a whole. I am particularly interested in the courts and the efficiencies that I would hope that that could provide. But it is all a work in progress, just like you were hearing before, about the Coroner's case management system.

THE CHAIR: Again, you could probably say that it is a matter for government to consider, but is consideration being given to, say, matching courts data to Policing data to child protection data and the like?

Ms Cheyne: Exactly. Often, when Assembly members request data—it might be courts data or similar—sometimes the source for us is Policing data, because of the resources it would take for us to go through the courts. It is about our being able to have great data across the whole justice sector and be able to compare. There is an agency in the New South Wales justice department that effectively is looking at this and reporting on this data all the time, which is amazing. That is the dream goal, because data is evidence, and evidence-based policy is what we want to do.

THE CHAIR: What resources are being allocated to deliver this?

Ms Cheyne: Upgrades to different tech systems usually require capital funding. You can see a range of different things in the budget, and that is probably what I would refer you to, in terms of the different initiatives that are underway at the moment.

THE CHAIR: Are there initiatives under the future work?

Ms Cheyne: There are different projects across the justice sector at the moment that are—

THE CHAIR: Yes, that are fitting into the reform?

Ms Cheyne: Yes, that are trying to modernise our system, so that it is functional. Those different initiatives are largely budget funded because they require capital, so the initiatives are detailed in the budget papers.

THE CHAIR: There is no allocated funding for this specific work; it is just the various initiatives that are funded. Where would it fit in, to inform the work? To JACS?

Ms Cheyne: I do not understand the question; I am sorry.

THE CHAIR: The question I asked was: what is the allocated funding that will deliver this reform, the data-matching reform?

Ms Cheyne: Data matching.

THE CHAIR: Or privacy law reform?

Ms Cheyne: They are two totally different things. I would be referring to the budget that JACS has, and that is detailed in the annual report. Ultimately, with tech reform and data matching, that is end game, but a long way away. At the moment we are trying to deliver as many systems as we can, and that we can get successfully funded through budget processes.

THE CHAIR: JACS would absorb that work with the current funding it has against all other programs that it is delivering; is that right? Am I getting this right?

Ms Cheyne: If we need to upgrade IT, it will likely have a capital funding requirement. That requires us to seek extra resources through the budget.

THE CHAIR: Okay. For this particular reform that you have listed in the future directions on page 18, that is a priority—freedom of information and information privacy laws. My question is: how is that funded?

Mr Ng: That will be delivered from existing resources within my office. We are responsible for administering the Freedom of Information Act—supporting government to administer the Freedom of Information Act and the Information Privacy Act. In the usual course, when government decides to make reforms in that space, we will prepare proposals for consideration of government. That is business-as-usual work for us. To answer your question, there is no specific funding, besides the funding that is allocated to our output class.

THE CHAIR: That is business as usual; you are confident that you can deliver the—

Ms Cheyne: This goes to what I said before. There is a lot of reform, and I am trying

not to break the agencies. I think I have come very close in the last year on several occasions. I am trying to get clear in my own head what is actually achievable in all the different reform spaces that are part of our future direction, future ambition and election commitments without breaking the public service.

MR RATTENBURY: Attorney, are you responsible for the National Firearms Register or does that sit with the police minister? All right; I will have to come back to that later.

THE CHAIR: My question is around Victim Support. What resources were available to service the additional 1,356 victims over the target?

Ms Cheyne: A lot. Mr Rattenbury knows this very well. Again, this continues the theme that we have been talking about, in that there are more victims coming forward, and the increases have been much higher than anyone ever anticipated. Government has been looking at reforms that we can deliver through the budget. Also, when more people are coming through than we have modelled, that is usually when we have needed, at the end of the year, to seek a Treasurer's advance, so that those payments can keep occurring.

THE CHAIR: I think the evidence from the victims commissioner was that there was ongoing review of the victims payments scheme.

Ms Cheyne: Yes.

THE CHAIR: How is that going?

Ms Cheyne: It has been iterative. It is incredibly complex. We are working through it. Again, it has budgetary implications. It is not just an internal matter of reallocating resources or something like that. Whatever changes we make to the scheme have changes associated with it, so that also means that we need to go through budget processes.

THE CHAIR: What are the key changes? Is it something that you can—

Ms Cheyne: It is not something that I am in a position to talk about at this stage.

THE CHAIR: Did Victim Support, to your knowledge, turn anybody away? Were all 1,356—

Ms Cheyne: You would have to put that question on notice to them.

THE CHAIR: Okay. You are not aware of whether they did? Okay. I have a question around crime prevention.

Ms Cheyne: We have covered a lot of topics, I have to say.

THE CHAIR: Does the directorate have a measure of success for this crime prevention campaign?

Ms Cheyne: Are you referring to a particular page?

THE CHAIR: Page 28.

Ms Cheyne: There are different measures of success. I appreciate that sounds like a real non-answer; it is not intended to be. A good deal of this is in Minister Paterson's portfolio. In fact, I think it all is. I will defer to Minister Paterson.

THE CHAIR: Even how much was spent on the campaign?

Ms Cheyne: On these initiatives, yes.

THE CHAIR: Okay. Are you responsible for future crime prevention initiatives or is that Minister Paterson as well?

Ms Cheyne: If you can be more specific then I can answer.

THE CHAIR: My question is: what new crime prevention activities or expansions are planned for 2025-26?

Ms Cheyne: That is probably best asked of Minister Paterson.

THE CHAIR: My next question is on bail officers. Has the report into the review of bail been completed? If not, when do you anticipate that it would be completed?

Ms Cheyne: I answered Mr Rattenbury on these questions.

THE CHAIR: Staff resources: do you, generally speaking, have enough staff to deliver all the services and programs that you have been asked to deliver?

Ms Cheyne: I would say that everyone is stretched.

THE CHAIR: Okay.

Ms Cheyne: That is my answer.

THE CHAIR: Everyone is stretched; are there not enough resources, or is it the case that there are enough resources and you are managing your money for the resources?

Ms Cheyne: If we are stretched, I think that would reflect that, with resources, there is not a never-ending pool of people or funding. We are prioritising a lot of work, much of it urgent or, in the case of many of the Jumbunna recommendations, overdue. We are allocating and prioritising based on the resources that we have.

MR RATTENBURY: I want to ask about ACAT sessional allocations. I have received reports—anecdotal reports, admittedly—of a decreased use of sessional members, and particularly community members, and an increased use essentially of judicial members. Is there any tracking in ACAT of the use of community members versus, essentially, professional members? Is there data available on that that might answer the anecdotes that I am receiving?

Mr Wickham: We certainly do track the use of sessional members. In terms of the division between what you call community members and professional members, we do not track that specifically. Obviously, particular members will have particular fields of expertise. They are allocated by either the president of the tribunal or a presidential member, depending on the particular list. I am not aware of any information to the effect that there is a preference for one or the other.

Certainly, a lot of new sessional members have recently been appointed. There is that process of working out the skill sets and taking into account the background of the particular sessional members. That is certainly something that is in the minds of the listing members of the tribunal.

MR RATTENBURY: I am concerned by these reports. Obviously, the value of having the community members is that they bring a breadth of experience. I think that the model works really well where they are partnered with the judicial or professional members, or the legal members, as opposed to the non-legal members. Perhaps that is a better distinction to draw. I am unsure how we measure whether there is a decline in use of those roles, given the lack of tracking.

Mr Wickham: I do not think that the members would necessarily define themselves as being a community member. They are appointed on the basis of their background and expertise. For a lot of matters, there will only be one member sitting—in a residential tenancy matter, for example. For some of the other matters, such as mental health and guardianship, there would be a different composition of the panel. I have certainly not heard that information that there is some sort of preference which has emerged in listing practices. I am certainly not aware of that.

Ms Cheyne: I am happy to talk further with you about it.

MR RATTENBURY: Yes, sure. I thought I would start by asking whether there was data and work from there, but that is fine.

Ms Cheyne: Of course.

MR RATTENBURY: Thank you; we will take that up.

THE CHAIR: Minister, are you able to answer questions on ACAT and tenancy matters?

Ms Cheyne: Yes.

THE CHAIR: How many tenancy matters are currently before ACAT and how many of these relate to rental arrears?

Mr Wickham: I have some stats from ACAT from the last financial year, but I do not have them for the current financial year.

THE CHAIR: Okay.

Mr Wickham: What was your question in relation to?

THE CHAIR: Tenancy matters that are currently before the tribunal, so it would be this financial year. I am happy for you to take it on notice.

Mr Wickham: I will take that on notice, certainly.

THE CHAIR: Thank you. How many tenancy matters relating to rental arrears have appeared before ACAT since 2020-21? I think that is what you are—

Mr Wickham: I need to take that on notice as well.

THE CHAIR: At the time that each of those matters went to ACAT, what were the rental arrears, in each individual instance? Was it $50, $500, $1,000, or $1 million?

Mr Wickham: I suspect it will be next to impossible to provide that degree of specificity.

THE CHAIR: Okay. How many tenants are currently on payment plans, as of 30 June each year, since 2020-21?

Mr Wickham: I would need to take that on notice and see whether that information is obtainable.

THE CHAIR: Thank you. How many termination orders related to rental arrears have been issued since 2020-21?

Mr Wickham: Again, I need to take that on notice.

THE CHAIR: Thank you. I have one final question, and it is around the criticism of the DPP running low-value prosecutions. We asked the Director of Public Prosecutions, and she provided her comments. I want to know whether there has been any advice. Have you had any conversations with the DPP on this issue?

Ms Cheyne: Yes, but I would not describe it as an issue. I think she explained it to me similarly to the evidence that she gave in the hearing. As the director, firstly, she is independent and, secondly, she makes decisions based on the information before her, and in a way that needs to be fearless of criticism. I fully support the DPP.

THE CHAIR: I am not saying yes, no or otherwise; I am not implying that this particular matter should or should not have been prosecuted. I note recent media reporting on a case relating to affirmative consent, where the parties had reconciled. Do you consider prosecution should have been continued by the DPP where the complainant had a change of heart?

Ms Cheyne: I have no role in prosecutions. It is entirely a matter for the DPP, her independence and acting in accordance with her published prosecutions policy.

THE CHAIR: Will there be a review of the prosecutions policy or the legislation based on the experience and challenges in cases being prosecuted to date? Is there a planned review?

Ms Cheyne: No. Prosecution policy: not me; that is her. You can put that on notice to her. Legislation: no.

THE CHAIR: Thank you. On behalf of the committee, I thank you for your attendance today. If you have taken any questions on notice, please provide your answers to the committee secretary within five business days of receiving the uncorrected proof *Hansard*. The committee will now suspend the proceedings for a break and reconvene at 3.15 pm.

Hearing suspended from 2.49 to 3.15 pm.

Appearances:

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

Justice and Community Safety Directorate
Blount, Ms Wilhelmina, Acting Deputy Director-General, Community Safety
King, Ms Catherine, Acting Executive Group Manager, Security and Emergency Management Division
Phillips, Mr Wayne, Commissioner, ACT Emergency Services Agency
Dutton, Mr David, Chief Officer, ACT Ambulance Service
Scott, Mr Rohan, Chief Officer, ACT Rural Fire Service

City and Environment Directorate
Daines, Mr Nicholas, Senior Director, Fire Management Unit, ACT Parks and Conservation Service

ACT Policing
Lee, Deputy Commissioner Scott, Chief Police Officer for the ACT
Bailey, Commander Andrew, Commander of Investigations

THE CHAIR: We welcome Dr Marisa Paterson MLA, Minister for Police, Fire and Emergency Services, and officials. Please note that, as witnesses, you are protected by parliamentary privilege and bound by its obligations. You must tell the truth, as giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly.

As we are not inviting opening statements, we will now proceed to questions. My first question is to you, Minister, around the incident involving the Aboriginal teenager on the bus. I want to understand, Minister, how this is continuing to occur. How did we get here? What happened, and what is going on?

Dr Paterson: Thank you for the question. I will read a statement, to start with, as this is where the majority of questions will be heading. I would like to begin by acknowledging the distress experienced by the young person who was involved and incorrectly identified as an offender during a recent police operation. I express, and have expressed, and will continue to express, my apologies to the young person and their family, on behalf of the ACT government. We will offer support and look to meet with the family as well.

I want to assure the community that we have an ACT police force that stand for the safety and wellbeing of all Canberrans—an ACT police force who work incredibly hard, day in and day out, to keep our community safe. Last Wednesday, there was a significant incident that started in Westfield Woden. I will now hand over to ACT police who have the operational details around what happened.

Dep Commissioner Lee: I have read and acknowledge the privilege statement. Certainly, on behalf of ACT Policing, I would also like to acknowledge the trauma and

apologise to the young person who was misidentified and detained by police. We acknowledge that that trauma impacts the young person, their family and the broader community.

In terms of the answer to your question, it is important to note the context of the incident that occurred, and the violent incident and the circumstances that police were responding to. To assist you and the committee, I will pass to Commander Bailey, who can provide you with that detail, so that the committee can understand the commencement of the circumstances, the original offending and the series of events that followed, in the lead-up to the young person being engaged and detained on the bus.

Cmdr Bailey: I have read and acknowledge the privilege statement. To give the background to the incident, the events that occurred at Woden, and the police involvement, which ended in the bus being pulled over and police entering the bus, we go back to about 5.22 in the afternoon, when CCTV showed a young male—black hoodie, dark pants, Indigenous description—entering Westfield Plaza. A minute or two later, that individual entered the CeX store, which is a mobile phone store, smashed a number of display cases with a wrench, was intercepted or engaged by members of the public, and then left that area.

A few minutes later, a female in her vehicle was threatened by a male, again matching that description, with a knife. During the altercation, she was stabbed in her hand, on her left thumb. The description of the knife at that time was around 30 centimetres in length. We then had another report, of an attempted carjacking. In that instance the vehicle was locked, and the person of interest was unable to gain access.

Following that, there was a third attempted carjacking, this time a male. That male was forcibly removed from the vehicle and thrown on the ground; a knife was in the possession of the offender. The suspect entered the vehicle and, for whatever reason, was unable to get that vehicle mobile. Sirens were heard approaching Woden Plaza at that time.

During this time, a number of ACT Policing plain-clothes members were conducting other unrelated duties at Westfield Woden, and they called in to police operations, stating that there was an Aboriginal male with a knife—black hoodie, backpack, dark pants—running towards the Woden bus interchange. At that point we had a number of similar descriptions given, as the activity went on.

At that point we started getting multiple 000 calls, again, with a range of descriptions, but certainly Aboriginal or Indigenous, dark skin—one call describing the male as of African appearance. He was described as being around 15 to 17 years of age, again, a dark or navy hoodie, dark pants and sneakers. There were reports of a knife; also, there were reports of a machete. Witness accounts often vary.

Security at Westfield Woden, around this time, started reporting the offences to ACT Policing, and Woden Police Station had victims and witnesses attending the front office. At around 6.08 pm, members of the public reported a male matching the description I have discussed boarding bus 732, heading to Tuggeranong. At this point we had combined and consistent descriptions and sightings from both plain-clothes AFP

members and members of the public.

At 6.12, police conducted a traffic stop on that bus, in Callam Street in Woden, and a general duty sergeant entered at the front of the bus. That is a significant decision—and we acknowledge that—to intercept public transport. Considerations at the time of Policing members should be the safety of the suspect and the safety of those people on the bus, what the suspect's mental state is and what their intentions are. Has the activity stopped? Is this, in fact, an active and armed offender? Are people on the bus at risk? That propensity for further violence needs to be considered, as does that enclosed environment of the bus.

Once action is taken, a number of considerations will then come in, around use of force, tactical options and consistency with AFP use-of-force policy. We knew that an edged weapon had been used and someone had been stabbed. There would be consideration, as you entered that bus, as negotiation and communication underpin any use-of-force response, of whether there would be what we would call "hard hands"—strikes et cetera or batons. In a proximity like that and with an edged weapon, I would say that would be inappropriate. Capsicum spray would be a consideration; also, that is not always effective. It is certainly not generally recommended against an edged weapon, without firearms coverage. Taser is a consideration in a situation like that. Again, with loose or baggy clothing, a taser is not always effective, and sometimes we see a low effectiveness rate. Both barbs would need to penetrate the skin to make contact, to render subject control. In an enclosed space like a bus, there is also the risk that one of those barbs will misfire, hit a seat, and hit a member of the public. Ultimately, in this situation, as we have seen from the footage, those members have chosen to deploy firearms.

As I said, the sergeant has entered at the front of the bus, spoken to the driver, and requested the driver to open the mid-doors of the bus. That occurred. Two AFP plain-clothes members entered the bus. They were wearing AFP identification around their necks. They declared themselves as AFP members. At that point, their firearms were what we call in the ready position—pointed at the ground. At no point did the two officers move forward in the bus. They stayed at the midpoint.

They engaged a person that they identified on the bus as matching the description given by multiple parties. That male stood, and walked towards the two un-uniformed police officers. At that point, a firearm was raised. Verbal communication ensues. The person was compliant. They put their hands up and they walked towards the front of the bus. As that occurred, the firearm was dropped, again, to the ready position. In reflection of the situation, the person of interest was compliant, and that was de-escalating somewhat the event.

The suspect made his way to that midpoint of the bus. The officers walked him off the bus onto the grass. He was assisted to the ground. It was not a hard take-down. He was handcuffed. He was told he was under arrest and the reason for that arrest. As that occurred, our duty inspector, as we refer to Alpha 8, attended the scene. He had on his AFP mobile device a photograph that had just been circulated, taken from Woden CCTV. The young person's hood had been removed at that stage. Alpha 8 confirmed from the still that that was not the facial identification. The gentleman was unarrested. He was apologised to. He was then put back on the bus, essentially. There were some

follow-up attempts with our recorded next-of-kin to make contact with a responsible adult.

THE CHAIR: Thank you for that extensive explanation. I want to go back to the process for identification. You said multiple reports indicated that it was a person presenting as of Aboriginal description. How can you tell if someone presenting is of an Aboriginal description or, say, somebody who is from an Indian background, who is probably mixed with an African? How do you do that identification, where you say, "Yes, this person is Aboriginal"? At that point you then start looking for the person who matches that description. How could you tell that?

Cmdr Bailey: In this instance, what we have relied on—and you are right—is that we have relied on multiple descriptions from members of the public. We have relied on one AFP description. I would say most of our members have a lot of interaction with the public. I would never proffer that they would be 100 per cent accurate, but they have offered us a description and it was consistent with the others. I would say that we do not have an unbroken chain of continuity of the offender's movements, but we have visual observations reported from Woden Westfield, to the scene of a number of serious offences and to the bus interchange. We then have confirmation that a person has boarded a bus, and that description is followed up.

When the officers board the bus, they are using their best observations, with reference to the descriptions that have been given around not only the clothing, which matches, but the physical description, to make an assessment and remove that person from the bus. I do not think it is a foolproof process for identifying individuals' backgrounds at all.

THE CHAIR: When you get that description from the members of the public, is there a process where you confirm, or you try to confirm, that "This is the person we're looking for"? Do you do any confirmation? How do you feed that information to the responding officers?

Cmdr Bailey: With the confirmation in this instance, the first thing, of course, is this is a highly dynamic incident—multiple radio calls, multiple 000 calls. An initial description is given. In this instance, clearly, attending officers have secured CCTV and have been able to get a visual representation, which was then communicated. Clearly, the officers at the time had already intercepted that bus and dealt with the then suspect before that had been communicated with them. That is one method of trying to confirm identity.

THE CHAIR: The interaction happens before the officer comes in with the facial identification of this person?

Cmdr Bailey: Yes, that is right.

THE CHAIR: Why is that?

Cmdr Bailey: From a policing point of view, noting that we have absolutely acknowledged there was a misidentification and, as the CPO said, we apologise for that, the primary driver of the response is public safety and apprehension of a suspect. As I

said, you have at the time what we think is someone who has committed multiple offences, in possession of a knife.

We start thinking about what is happening in places like Victoria at the moment, with knife crime and machetes; and in Queensland. God forbid we end up with a Bondi Junction type incident. The officers' primary focus is to locate that suspect, secure that weapon and preserve the safety of the public on public transport. If we were waiting for absolute confirmation of identity, and with someone mobile on public transport, we would still have to stop the bus to do that, even if those officers already had that photograph. If we did stop that bus, that person would still be suspected of being in possession of a knife.

THE CHAIR: But in this instance, you have not preserved public safety because you have misidentified somebody and the person, the perpetrator, apparently is still out there. Identification is a big issue here.

Cmdr Bailey: I think the identification was made by members of the public throughout the incident. The identification on the bus was made by members of the public. There was one identification by AFP members which was consistent, in both physical and clothing description, with all the other descriptions. I think the actions of the officers can be judged until the point that the activity occurred on the information they had. If they had had that photograph, got on the bus and been able visually to identify that that person was not the suspect, the matter would have been completed at that point. They did not have that, so they had to act on what was in their mind, what was reasonable and proportionate to the information they had at the time.

MR WERNER-GIBBINGS: How often do police use witnesses' identifications to respond to events that they have been alerted to? How often are police relying on witnesses to let them know that something has happened, or they might have seen someone who might be committing a crime?

Cmdr Bailey: It would be very common to receive a 000 or a 131 444 call with a description of an event, an offence, a disturbance, a description of someone leaving a scene and a description of a vehicle. It would be even better, of course, if we have a registration, but you may just get "a silver-coloured 1994 Barina" et cetera, and you are looking for that vehicle, and you are looking for a description of an individual, a clothing description, a physical description. It is very common.

MR WERNER-GIBBINGS: Would those witness statements be what police would often rely on in court as well, in terms of that sort of thing? You need the information of people who were there and who claimed to have seen what they saw?

Cmdr Bailey: Yes, that is correct. There was an arrest made in regard to this matter. The statement of facts to that matter does identify the witnesses throughout this course of events, both the victims and the witnesses, who have provided information to police on the night about what they saw or the offences that were committed against them. Yes, that is absolutely used.

MR WERNER-GIBBINGS: Noting that the misidentification is awful and extremely upsetting, how often would a series of witness reports, witness identifications, be

supported or synchronised with a similar identification from an AFP officer as well?

Cmdr Bailey: It would not be as common. I would say it was chance or coincidence that we had plain-clothes members on other activities there. Certainly, with some events, you will get a sighting. A good example might be something like a pursuit, where you might have AFP members not in a vehicle, or in a vehicle on the other side of the road, or in a suburb, who will give an account. That did happen, as I recall, with the terrible Canberra Avenue incident with those two young boys. AFP members, not related, had seen that vehicle mobile on the opposite side of the road.

MR RATTENBURY: Thank you, Commander Bailey, for that context. It is very helpful. I would like to focus on the point at which police entered the bus and from there. I understand there is body-worn camera footage of that incident?

Dep Commissioner Lee: Yes.

MR RATTENBURY: Are you willing to provide that footage to the committee?

Dep Commissioner Lee: No, I am not, Mr Rattenbury. Certainly, I have received a letter from the Aboriginal and Torres Strait Islander Children and Young People Commissioner. At the moment I am engaging with our Professional Standards Command and the Ombudsman to ensure that there is nothing to preclude me from allowing that to be viewed by the Commissioner. I do not think that broader release at this stage is appropriate, given that there is a Professional Standards Command investigation that also involves some consultation with and oversight from the Ombudsman.

MR RATTENBURY: What is the usual process for releasing the footage? I see quite a number of pieces of body cam footage released at times from Policing.

Dep Commissioner Lee: There is some body-worn camera that we do release that relates to incidents, but that is not a common occurrence, I do not believe. Certainly, at the moment it is in relation to some of the more significant criminality, where we have had police pursuits and things like that. I can take on notice how many times we have done that in in recent times.

MR RATTENBURY: I would like to understand the basis on which you are declining to give this to the committee. The committee has extensive parliamentary powers and we are requesting the footage.

Dep Commissioner Lee: I think I have answered that question in relation to the professional standards investigation and the Ombudsman's oversight in relation to the release of that body-worn camera at this stage.

Dr Paterson: Mr Rattenbury, I would say that you do not want to do anything that will jeopardise the investigation. If the investigation process can run its course, then, potentially, we could reassess this question and come back to the committee.

MR RATTENBURY: I will seek some further advice from the secretariat in a moment. I want to focus on the operational policies that saw the police enter the vehicle with

guns drawn, particularly in light of, Deputy Commissioner Lee, your comments in the media and Commander Bailey's subsequent comments that essentially paint a picture of a relatively compliant person.

Dep Commissioner Lee: That is right.

MR RATTENBURY: Why was it appropriate to enter with weapons drawn in the context of both a crowded vehicle and a compliant target person? It does not feel very de-escalatory to enter in that status. There was no opportunity for the young person to willingly come from the bus without the trauma of having three firearms pointed at them.

Dep Commissioner Lee: I will pass to Commander Bailey to step through the specific detail. What I would say, Mr Rattenbury, is that, in the context of this committee, we have the luxury of time and detail. Obviously, until we entered the bus, we were not aware of whether the young person would be compliant or not. Obviously, that depended on the engagement of the police with that young person. Certainly, at the time that our members entered the bus, they were obviously not aware of the state of that person, their compliance with the requests of the police and what other potential risks that young person may pose to both themselves and the people on the bus.

They were operating in the context, obviously, of a response to a dynamic incident with high levels of violence. A female had been stabbed in that vehicle. They were responding to a situation where, with the person on that bus, they are responding as if that was the person that we were seeking, in relation to that offending. Certainly, from their perspective, they were not aware of whether that person would be compliant or not. Commander Bailey outlined the nature of that engagement on the bus, and the location and positioning of the weapons at the time of that entry. I will pass to Commander Bailey to talk about some of those considerations which you have already touched on around our use-of-force policy and the drawing of weapons.

MR RATTENBURY: Commander Bailey, just to help you think about your answer, I am interested in the fact that they have gone straight to the most serious use of force rather than some of the other options that are available to them. I know you have touched on that before. You mentioned that it was a sergeant who was involved. The whole point of them being issued with tasers and the like is to provide a less-escalated option. I would welcome your answer in that context.

Cmdr Bailey: Thank you, Mr Rattenbury. I will cover all that, hopefully, in order. One firearm was pointed. The other firearms were at the ready position during that event. That firearm, as the subject demonstrated compliance, was taken back to the ready position. I would offer that that compliance is at a point in time, and there is no guarantee that any suspect or any person within effect of arrest is going to be compliant through that whole event.

In terms of use-of-force training, and certainly when I have done my re-certifications, anything within seven metres of an edged weapon is extremely dangerous and the reaction time is actually slower than you would think. And it is around the knowledge that the members had at that point in time. There are serious events, carjackings; we know there is an edged weapon, we know there is a 30-centimetre edged weapon; and

we know that weapon has been used and someone has been stabbed. Despite the misidentification, there is the fear that a person has deployed violence.

When we get to the taser aspect, generally, if we are talking about an edged weapon, lethal force or the potential for lethal force is the most appropriate. Generally, in terms of working as a pair, someone would have non-lethal coverage, which is the taser, and if that can be deployed, or OC spray can be deployed safely, absolutely, that would be done.

In terms of a narrow bus passageway, and from looking at footage, I am not sure whether you could get two officers in that position to do that safely. The other aspect with the taser is the range. Those members have stayed at the midpoint of the bus and that would have been outside effective taser range.

MR RATTENBURY: What was the demeanour of the individual, the target person, during this process?

Cmdr Bailey: In terms of his reaction and engagement with—

MR RATTENBURY: Yes. He sounds like he was quite frightened, from the reports of the family.

Cmdr Bailey: He certainly stands, he follows the directions, he puts his hand in the air. I recall he has maybe asked some questions: "What? What?" He is taken off the bus, as I said, assisted to the ground and handcuffed. I did not, myself, observe a lot of reaction from him, noting, I agree, that that is a significant experience for a young person.

MR RATTENBURY: What is the current status of the officers involved in this incident?

Dep Commissioner Lee: They remain on duty. We are obviously providing them with a level of welfare support themselves, in terms of making sure they are supported. A Professional Standards Command investigation has been commenced, as I said before, but those members remain on duty.

MR RATTENBURY: We have spoken before about the transparency issues around the professional standards unit. Given—I think it is the right way to describe it—the cultural impact this has had on the community, what can we expect out the other side of this, in terms of transparency? I think it is going to be very important.

Dep Commissioner Lee: Yes, it is. I think you would have seen my comments before. I have watched the BWC myself of the incident on the bus. I have obviously received briefings. It is obviously subject to an independent investigation now, as it should be, given the concerns that have been raised. The members themselves have my support, in terms of the actions that have been taken, but we obviously need to go through that investigative process. Those members remain on duty. We are providing them with welfare support and, obviously, we are engaging with those members, with our Professional Standards Command.

There is a conversation going on at the moment; we will probably have a decision, I

would think—the indication is tomorrow—between professional standards and the Ombudsman around what role the Ombudsman sees for himself and his office in this investigation. I spoke to the Ombudsman; I had a conversation late yesterday afternoon in terms of what considerations—not in detail—we may wish to take between his office and our Professional Standards Command, noting the community concern and the discussion we are having around the investigation of that incident. Certainly, with our Professional Standards Command, we have talked about doing that as quickly as possible.

MR EMERSON: Thank you for the briefing on this incident yesterday. This is for the minister: the Chief Police Officer has repeatedly denied that ACT Policing has a problem with institutional racism or systemic racism, and I believe has reiterated that position today, despite the recent Jumbunna review containing almost 10 pages on systemic racism.

Dr Paterson: Mr Emerson, I think the question that was asked of the Chief Police Officer today was whether the ACT police force was racist, and he responded "No."

MR EMERSON: Does the ACT police force have a problem with systemic racism? This is for the Chief Police Officer.

Dep Commissioner Lee: Mr Emerson, I think you have mischaracterised my statements previously. What I have said, and I have been very consistent on this previously—to be honest, I am not too sure how many more times I need to say it—is that there is no place for racism within ACT Policing. Where we acknowledge and where we identify any conduct of concern, we react strongly and robustly to those issues, both publicly and through our Professional Standards Command.

My answer today was: I do not believe there is institutional racism within ACT Policing. In terms of the systems that we have, if you want to call it systemic racism, as it relates to our processes, our frameworks, our training, certainly the framework we have in place and the strategy that we have in place originates, obviously, from the Ombudsman's own-motion investigation that was undertaken in, I think, around 2021 or 2022.

From that, in consultation with the community, we developed a First Nations engagement strategy that has a range of strategies and 26 specific actions that we are absolutely committed to, in terms of improving the arrangements we have in place within ACT Policing and the outcomes for the First Nations community. I have said that before publicly as well. I would hope that that is pretty clear, in terms of the position of ACT Policing on those issues.

MR EMERSON: Just to clarify, the position is that—

Dr Paterson: Hang on. Can I add something to this? We have a range of priorities under the National Agreement on Closing the Gap that speak to structural inequalities that are experienced by Aboriginal and Torres Strait Islander people in our community. The ACT government, and governments across Australia, all have a joint objective to address these inequalities. The Jumbunna report highlights these structural inequalities, and they sit across our entire system of government.

The justice system is a system that bears the brunt, I would argue, of these inequalities; also, it does entrench them. The Jumbunna report makes a significant number of recommendations that we will work to. Some of those speak to policing, as well as to a vast area of other government policy. As you well know, we will work with the Elected Body to establish a governance structure and then we will start to work through those recommendations.

MR EMERSON: Does ACT Policing have a problem with systemic or institutional racism?

Dr Paterson: Mr Emerson, what I have said is that we have structural inequalities in our community that are experienced by Aboriginal and Torres Strait Islander people. There is the over-representation of Aboriginal and Torres Strait Islander people in our justice system. There are any number of statistics in the ACT and nationally that point to this. We are absolutely committed as a government to addressing this, and police form an important part of that picture.

ACT police have worked incredibly hard as an organisation over many years. First and foremost, they are a police force that is there to support the entire community, all individuals in the community, including our Aboriginal and Torres Strait Islander community. There is a recognition that there is a long-term historical context, where individuals may feel challenged by their interactions with police. They may also have lived experience of previous interactions with police.

ACT police have a range of different settings in their strategy for engagement with First Nations people and communities. The CPO spoke this morning about the hundreds of ACT police officers that have received cultural safety training, which has a range of different aspects to the training. Every new recruit receives this training.

This is something that, as a whole of government, we are incredibly committed to addressing, and as a nation we are incredibly committed to addressing. We will continue this work with Jumbunna and also working with ACT police.

Dep Commissioner Lee: Mr Emerson, if you want some specific detail, I am happy to pass to the DCPO, who can talk through some of those specific initiatives that we have put in place. I am conscious of time, but I think it will—

MR EMERSON: Thank you. Yes, I am, too. I would like to focus on this incident and understand the work that is going on in this area. Of course, community members are focused on this incident from last week and what it means for the police force moving forward.

Dep Commissioner Lee: Yes.

MR EMERSON: According to the ACT government, institutional racism means the inequitable treatment and outcomes experienced by Aboriginal and Torres Strait Islander peoples as a result of an entity's policies, practices and culture. I have spoken with community members who know both the 17-year-old boy who was wrongfully apprehended and the 15-year-old boy who was later apprehended. One of them is tall

and one of them is short. The only thing they have in common is that they are both Aboriginal and happened to be wearing similar clothes last Wednesday. An innocent 17-year-old boy was apprehended at gunpoint specifically because he was an Aboriginal boy. The question is whether that is an example of inequitable treatment and outcomes experienced by Aboriginal and Torres Strait Islander peoples.

Dep Commissioner Lee: As I said before, I think the response that was outlined by Commander Bailey talked to both the physical and the clothing characteristics of the descriptions that were being provided. It talked about the dynamic nature of the incident. Certainly, from the policing response, Mr Emerson, I think we have explained that our priority and our focus were on ensuring the safety of the public.

It was extremely unfortunate, and we have apologised, and continue to apologise, for the impact on this young 17-year-old male. However, what we would ask is that you understand the dynamic nature of that incident and the way that those descriptions were coming in, which I think has been outlined well, in terms of the sequencing of those events that led to that misidentification, that arrest and then the young person being unarrested.

Dr Paterson: I would refer to Commander Bailey's description of events which all occurred within the space of about 40 minutes. It was a very fast-moving event, and they were acting on the information that was provided to them.

MR EMERSON: Yes, this is something that I want to double-check. I understand that the entire incident, the apprehension on the bus, lasted for approximately two minutes, based on our conversation. The photo identifying the perpetrator was checked after police got on the bus with guns drawn, or after the boy was taken off the bus. When did that photo arrive, within the two-minute span of getting on the bus, guns drawn?

Cmdr Bailey: I would have to check that for you.

MR EMERSON: Whether it was available before—

Cmdr Bailey: It had been uploaded onto the mobile responder system. My understanding is that it had just come through. I can check the exact time for you.

MR EMERSON: Thank you. Why was the child searched even after it had been determined that he was not the suspect that officers were looking for? Is that an example of institutional racism?

Dep Commissioner Lee: As we talked about yesterday, Mr Emerson, one aspect that will be considered as part of the internal investigation is the grounds for that search. I talked to it to a degree this morning in the press conference. The search was undertaken by a police officer who had had an interaction with that young person a couple of weeks prior.

I did not feel it necessary, I did not think it was appropriate, to go into that in more detail, but if you wish me to, I can, in terms of what occurred there, or I can ask the team to. Certainly, that was the rationale for that search. That is obviously part of the internal investigation, as to whether the grounds for that search were appropriate.

THE CHAIR: Minister, your official has made a claim of confidentiality. Parliamentary privilege overrides this claim. To manage this situation, the Assembly has passed continuing resolution 8B that uses a public interest test. Minister, is it your view that it is in the public interest to withhold this information, particularly the camera footage of the incident?

Dr Paterson: Can I seek some advice from the Chief Police Officer and the director-general and come back in a minute?

THE CHAIR: Thank you.

Short suspension

THE CHAIR: We will resume. For transparency, the committee has resolved to view the evidence in confidence. Just for transparency, I thought it would be good to put that on record, so everybody is aware of what has happened. We will now commence questioning. Mr Braddock, do you want to ask your question?

MR BRADDOCK: I have got some questions about the Disaster Ready Fund, and I note for round 3, that was announced on 17 November. In previous rounds, the total combined funding for ACT projects was $14 million and $17 million, but this year it was only $6 million. Can you please explain that discrepancy and the difference from this year to previous years?

Ms Blount: I will throw to my colleague Catherine, the Executive Group Manager who looks after the Security and Emergency Management Division, but as I understand it, that fund is commonwealth funding; so, you seek, you apply for that funding and then it can reduce. You are either successful or unsuccessful.

MR BRADDOCK: Sorry, I thought it was the case that it was joint funding from the ACT government and the commonwealth.

Ms Blount: Yes, I might go to—

Ms King: I confirm that I have read and acknowledge the privilege statement. Thank you for your question, Mr Braddock. The Disaster Ready Fund is a commonwealth funded project fund, where we, essentially, match the funding. Certainly, previously it has been a general allocation across jurisdictions from the commonwealth that has been based on our population et cetera, and there were a set criteria that you submitted applications to, and if they met the criteria of the commonwealth, then you received that funding.

We did submit more than what we received in applications. We have sought feedback from the National Emergency Management Agency, but they do not provide that feedback until after the announcement, which has only just occurred a few days ago. So, unfortunately, the answer is that we do not know yet, but we are looking to find out.

Dr Paterson: Mr Braddock it would also be good to chat to Mr Phillips—

Mr Phillips: We are at the mercy, really, of the National Emergency Management Agency in regard to a 'job application', for want of better words. We put our job applications in, and it is a grant from them. What we see is that the joint application is in kind. So if you are given $100,000, NEMA has put an application where you have got to supply $100,000 in kind; in other words, our existing FTE. I will give you a specific example of how that works. I can get SES Chief Steve Forbes to come up and talk about the money that we have been granted for the flood studies for the ACT, if you are interested.

MR BRADDOCK: I am not so much interested in that; I am more interested in this: has the territory put its best foot forward as part of that job application process, and have we put forward as many projects, or bids, I should say, as we did in previous years to a similar value, or have we, for whatever reason, done fewer than we would normally do?

Ms Blount: I can certainly confirm that we have put in a lot more bids than what we had allocation for. We do work in our division, in security and emergency management, across government to support directorates in those bids to ensure that they do meet the eligibility criteria. But until we have the feedback from NEMA, we are unable to give any further advice as to why more of our bids were not accepted.

MR BRADDOCK: What will be the impact in terms of the bids that were not accepted by the federal government? What impacts will that have on our disaster readiness?

Ms Blount: We generally look at year-to-year action plans and priorities across our emergency management portfolios and activities. Where that funding has not occurred, then it will be considered against other priorities in the action plans for next year.

MR BRADDOCK: Okay.

Mr Phillips: I forgot to say I read and understood the previous statement.

MR RATTENBURY: You do not have to anymore.

THE CHAIR: You do not have to.

Mr Phillips: Okay.

MR RATTENBURY: They changed the rules.

Mr Phillips: No worries. I just wanted you to know that with regard to grant money from the commonwealth government, we are very, very keen on putting in the biggest applications we can with fervour to enhance what we can in the ACT. I would not want you to think that we sit back in the ACT and not put a lot of thought in regard to how much money we can get from the commonwealth government.

MR BRADDOCK: I am very glad to hear it; thank you.

MS MORRIS: I have some questions relating to the recent ACT Ambulance roster review.

Dr Paterson: Chief Officer Dutton?

MS MORRIS: Since moving to the 44-hour roster, shifts 'below minimum' crewing rose from an average of 31 per cent to 67 per cent, and nights 'below minimum' jumped to 96 per cent. When do we anticipate that these percentages will return to acceptable levels?

Dr Paterson: There is a range of strategies that are in place now which Chief Officer Dutton can speak to.

Mr Dutton: Thanks, Minister, and thanks Ms Morris for your question. I have read and acknowledge the statement. In relation to the roster review report, which we released earlier this week, that related to the first 12 months of operation of the new 44-hour

emergency roster, so that is from April 2024 through to April 2025. In terms of the staffing establishment of ACT Ambulance, which is the predominant driver of the shifts that you refer to, particularly night shifts, there are a couple of key points that I would like to share with you to, hopefully, explain that situation.

The first is that the new roster has a 10-hour night shift, as distinct from two consecutive 14-hour night shifts. That was a key feature of the roster reform and the significant co-design that occurred both with staff and the union. As the report itself details, direct comparisons shift for shift are difficult in that environment, because we are not comparing shifts of equal length. In relation to the station closures that we have experienced and are reflected in that report, the vast majority of those station closures occur in the early hours of the morning, so that is normally from 11 pm through to about 6.30 am when that occurs.

In terms of where the staff establishment for the organisation is, at the end of October we are 20 FTE short, with the vast majority of those being in the emergency operations area. We have just concluded a number of recruitments, and I can step you through further detail if that would be helpful. But on the current projections of the strategic workforce plan, I would anticipate that ACT Ambulance will be at or marginally above our full-funded establishment by the end of March 2026.

MS MORRIS: End of March 2026; okay. So that is quite a significant time period that we would still need to wait.

Mr Dutton: Ms Morris, there are a number of strategies that are in play across the time period and have been across the period of the operation of the roster. What is evident to me, on taking up the post in May of this year, is the significant amount of continuous effort for recruitment that the organisation has been undertaking. And it is also important to acknowledge, as the report does, that the challenge of attracting and retaining workforce predated the new roster. So whilst the matters to some degree relate and at times conflate, I think it is important to understand that those staffing issues were not necessarily directly caused by the new roster.

Nonetheless, I welcomed five qualified paramedics to the organisation at the beginning of this month, and we are just concluding our graduate paramedic intern recruitment for a start in February 2026, which will see a significant number of staff come into the organisation and, post-induction, move forward to operational rostering.

MS MORRIS: Okay, thank you. And how is this impacting morale amongst staff?

Mr Dutton: Morale on any given day is a matter for the people that you speak to. With the staff that I have been speaking to continuously since arriving in the organisation, the most common concern that would be raised with me would be the pressure on night shifts and the access to leave. We have taken some time to explain to staff the significant focus that we have put to strategic workforce planning to get on top of the attrition that we have been facing and to get ahead, as it were, so morale is an individual assessment.

In terms of the release of the report, I can tell you that I have had a significant amount of feedback in recent days from staff, both directly and indirectly, that are pleased that the state has been recognised and documented, and they are looking forward to the

actions and the 13 recommendations that are also detailed in the report.

Dr Paterson: Ms Morris, I would also add to that that one of the things that I think was really striking about the roster review is the improvements in staff wellbeing and fatigue management with the new roster. Staff are overwhelmingly supportive of the new roster in place, and it is just a matter of supporting staff to get the FTE numbers up through that roster. I have met with the union, the TWU, around this as well, and I think it is overwhelmingly positive—the effectiveness of this roster. It is a good thing for staff.

MS MORRIS: So, you have seen a shift in morale with the implementation of the new roster?

Dr Paterson: Absolutely, and that is outlined in the roster review—very clear staff support for this and the benefits that they are seeing with the new roster.

MS MORRIS: That is not what has been put to me from individuals in the force. I have got a very detailed letter here, which is signed off by 'a burnt-out and extremely concerned ACT paramedic'. They have described to me very dire workplace conditions and low morale, and the impact of low staffing numbers on that morale. If we are not expecting to see an increase until March, that is a significant period where we are understaffed and stations are potentially closing, and it seems that that morale will continue to decline.

Dr Paterson: I appreciate that you have had that correspondence and engagement with that one individual, but that is why the evidence base that the roster review provides us is so important, because it gives a broad organisational view from multiple individuals at organisational levels and their views about the impact of the roster. I think Chief Officer Dutton can speak more to that.

Mr Dutton: Thanks, Minister. Ms Morris, I would be happy to take offline any level of individual concern that you would like to share with me. I am not sure that it is appropriate to ventilate that in a public forum. I would take you to a couple of elements of the report, though, in terms of an overwhelmingly positive reaction from staff. It relates to fatigue management, it relates to their wellbeing, and it particularly relates to their confidence and ability to do the job, in terms of clinical professional development. Those are significant things that were identified by the vast majority of staff through the report process, through individual responses, through focus groups, and through discussion with the report authors.

I have made that report available to all staff and I have opened additional channels of communication, which includes an ability to communicate directly with me, without any level of interference between the author and me. I have also opened an opportunity with an electronic form, where individuals can choose to identify themselves or, indeed, remain anonymous. Obviously, my ability to respond to an anonymous piece of feedback is more difficult, but I would be happy, through the minister's office, to take any further details and consider them.

MS MORRIS: How many times have stations been forced to close as a result of understaffing since the new roster was implemented?

Mr Dutton: Ms Morris, I do not have all those details available with me today. I have the most recent details, if that would assist.

MS MORRIS: Perhaps you could provide what you have on the most recent details and then take the others on notice.

Mr Dutton: Certainly. I will take the question on notice and then we can provide a comprehensive answer with the data that we have available to us.

MS MORRIS: Okay. Could you give me an indication of how frequently it happens?

Mr Dutton: I can tell you that, for example, in the month of October—that is, the most recent full month—there were a total of 38 hours of station closures across six occasions.

MS MORRIS: That is pretty extraordinary.

Mr Dutton: I have said a number of times this week and previously that it is clearly not the position that we want to be in. That is why the organisation has put a significant amount of effort into our strategic workforce planning to get the resources that we need to provide the support that we need on operational rosters. It is important to understand that, when there are fewer paramedics at work on a night shift, the paramedics that are at work are, of course, working harder during that period.

MS MORRIS: To me, it seems to put an enormous burden on paramedic ambulance staff. I will read what one of them has shared with me. They are concerned that these closures and understaffing will lead to adverse outcomes. They say, "While my first concern is for the members of the community who will suffer, my next immediate concern is for my colleagues, both paramedics on-road and the workers in our communications centre, who will experience moral injury every time they cannot make it to someone who needs our care, because of shortages and a lack of resourcing." Are people in the community missing out on care because we do not have ambulance staff available to attend to them?

Dr Paterson: No; I do not believe so.

Mr Dutton: I do not believe so. Ms Morris, in your statement, you referred to multiple adverse outcomes. I am not aware of multiple adverse outcomes. I would be happy to take any specific information that you might be able to share with me. It is a matter of public record that this committee has previously seen and commented on emergency response times in the territory. Whilst they are some of the best in the country, comparatively, they are also above ACT government accountability indicators, and there is clearly pressure on the organisation at this time. That is well documented in the report, as it has been through our regular annual reports as well in recent years.

Dr Paterson: I will refer this to Chief Officer Dutton, but there are over 65,000 call-outs per year, and this call for service demand has increased year on year since COVID. I think it is a seven per cent increase.

Mr Dutton: The minister has a remarkable memory for numbers. There were 67,425

emergency 000 calls in the last full financial year, which is a 7.8 per cent increase. That is consistent with national trends that we are seeing in demand for ambulance services from the community around the country—eight per cent per year, compounding year on year. Not all of that is for lights and sirens, life-threatening emergency responses. It is important to understand that a significant component of that demand is in the lower-acuity workload. In recent months, I have been publicly promoting Save Triple Zero (000) for Saving Lives, because, when a highly trained paramedic crew is occupied with a lower-acuity health condition, they are self-evidently less available for the next life-threatening emergency call that comes in.

MS MORRIS: What impact is staffing pressures within the Ambulance Service having on Policing, if any at all?

Dep Commissioner Lee: Certainly, there is strong collaboration between Policing and the Ambulance Service, particularly between our communications centres. We understand, in real time, the pressures that are on both services. That occurs at the communications centre level and it also occurs at the operational level, where we may be deploying to incidents et cetera. At the moment, it is a matter of prioritisation more than impact—that is the way I would describe it—based on the number of calls that the Ambulance Service may be responding to, the number of priority calls Policing may be responding to at any given time, and how we collaborate between the two agencies to provide that service. It is quite dynamic, in terms of how we do that and how we manage those demands on Policing and the Ambulance Service at any point.

Dr Paterson: And Fire & Rescue, to give a plug for them too. They play an important part in this support to the community.

THE CHAIR: How many instances in the last, say, three months or six months has an ambulance not shown up to an incident?

Mr Dutton: Ms Barry, if I have understood your question correctly, I do not believe there are any instances where we have not shown up to an incident. If I could expand on that to perhaps explain the operational model, that might be of assistance. Traditionally, if you rang 000, there would have automatically been a physical ambulance response. All jurisdictions, nationally and internationally, have moved to widen the service offering to include an element of "hear and treat" medicine. We have one or two trained paramedics in our communications centre who are used to screen particularly lower-acuity calls. There would certainly be occasions when somebody rings 000 and, after a virtual health consultation with our clinician, an ambulance is not physically dispatched. In terms of not meeting a request for service, there are none that I am aware of.

THE CHAIR: In an instance where, for example, a young person is holding a knife, intending to self-harm, and 000 is called and an ambulance is requested, how long would it take for either Policing or the Ambulance Service to attend, on average?

Mr Dutton: Ms Barry, we would triage that call as our Policing colleagues would. With the very high level of detail that you have provided, if there were an immediate threat to either the individual holding that weapon or to persons in the area, I would expect that would receive our highest level of response. That would be a lights and sirens

response. Our target for priority 1 emergency calls is to be there in eight minutes or less on 50 per cent of occasions and in 15 minutes or less on 90 per cent of occasions. A range of variables come into that operational picture that you have described, and that would include making sure that all of the first responders attending that incident were safe. For example—because, sadly, occupational violence against paramedics is a real issue for our workforce; it is a legitimate threat to their health and safety—depending upon the circumstances and the additional information, and the very close conversation we would have with ACT Policing communications at that time, we may well respond and stage at the scene until we were confident that both agencies had the right resources to actually enter the scene.

THE CHAIR: Would there be any instance where this response would take three hours?

Mr Dutton: Not that I am aware of, Ms Barry.

Dr Paterson: It is probably a bit unhelpful to give a hypothetical.

THE CHAIR: It is not a hypothetical; it actually happened.

Dr Paterson: Perhaps you could provide us with some more information on that? I would also speak to the PACER team.

Dep Commissioner Lee: To assist, I was just going to say, Ms Barry, that, in the incident you are talking about, where a person is in mental health crisis, we also have a tri-agency arrangement with our PACER team, which deals with people in the most extreme mental health situations, where an ambulance, a clinician and a police officer responds. Those teams are on for 16 hours a day, and they form part of the response model that sits between us, the Ambulance Service and the mental health service, in terms of how we provide the most effective response.

THE CHAIR: Thank you.

MS CARRICK: My question is about the ambulance workforce attrition rate. The RoGS data has said for a while that the attrition rate is high. It is 8.8 per cent. It is the second-highest to the Northern Territory in the latest data. You mentioned continuous recruitment. When do you think that the attrition rate will reduce and you will not be in a continuous recruitment cycle?

Mr Dutton: Thanks for your question, Ms Carrick. You are correct: in the 2023-24 financial year, our attrition rate was 8.8 per cent. That was a decrease from the previous two years. Respectively, in the 2021-22 financial year it was 11.4 per cent and in the 2022-23 financial year it was 9.3 per cent. That is an encouraging but modest trend in the right direction. The national average is around 4½ per cent. That is what most jurisdictions are seeing. There is the element that, as a smaller jurisdiction, the smaller number of people obviously results in a greater percentage impact on the figures. The most recent data that I have available to me, which is to the end of October—that is, the last full month—we had 36 separations across the last 12 months, and that represents an 8.6 per cent permanent separation rate.

The roster is a really important feature in both attracting and retaining staff to the ACT. In the most recent group of employees that I welcomed to the organisation, it is instructive that one paramedic came from New South Wales, one paramedic came from Queensland, one paramedic came from Victoria, and two Australian-trained paramedics who have been working with the London Ambulance Service in recent years also returned to the territory. As part of the application process and feedback from newer staff joining the organisation, the attraction was the great city that we live in and the land that we live upon, but the roster also featured prominently.

MS CARRICK: Will you have any concerns with the congestion on Commonwealth Avenue Bridge when you try to get to people in need?

Mr Dutton: Emergency Services are navigating roadworks all the time across the city, and probably less so in Canberra than perhaps some of our interstate cousins. We work closely to look at those impacts and to identify them. It is important to remember that we have the benefit of lights and sirens to clear traffic and assist passage where we need it.

MS CARRICK: Thank you.

MR BRADDOCK: Mr Dutton, you mentioned station closures. I am interested in the stations that remain open but only have a single response unit that does not have a fully crewed stretcher vehicle. Do you have those stats?

Mr Dutton: I do not have a detailed breakdown of those stats with me, Mr Braddock, but, for other members of the committee, it might be useful to explain that a single officer response unit is normally an SUV or small sedan type vehicle with a single clinician on board. We use them for a range of circumstances and responses, and also to back up other ambulance resources. They are part of our normal response grid when stations are open and at times when we close stations.

MR BRADDOCK: Could you please take that in a notice, in terms of perhaps the month of October, for which you provided stats on closures? Perhaps you could also provide where there is only staffing of a single response unit.

Mr Dutton: Yes. I will take that on notice.

MR BRADDOCK: Secondly, in response to one of Ms Morris's questions, you said that you should have sufficient staff on board by March 2026. When will those staff actually be operational? I understand a period of training and onboarding will probably be required for the staff, so when would we hopefully have a fully operational cohort of staff?

Mr Dutton: Thank you for the question. To clarify, in March 2026 we will have the fully funded establishment that I was referring to. Graduate paramedic interns spend between six and eight weeks doing a range of induction activities and then they move to the operational roster. That period is shorter when we recruit already qualified paramedics. We are effectively just inducting them into the local conditions, and that generally takes three to four weeks, and then they move to the operational roster.

MR BRADDOCK: Chief Police Officer, please forgive me if I paraphrase your previous evidence in another hearing, where you mentioned that you are examining who is the most appropriate response service for things like welfare checks and so forth.

Dep Commissioner Lee: That's right.

Mr Dutton: Where did that piece of work land between your service and the Ambulance Service?

Dep Commissioner Lee: Thanks, Mr Braddock. It is a body of work that is still ongoing in terms of our mental health response model in the ACT. Basically, the primary force of that model is to deliver the best outcome for the patient and the most effective agency to provide that response. Certainly, there is no suggestion that we will move away from PACER. PACER will remain part of our response arrangement. Where police need to support other services, where there is a level of risk et cetera, we will continue to do that. But there is a percentage of work that we are discussing at the moment at the policy level and our decision frameworks: are police really the right agency, given we know that in certain circumstances we can be an escalation trigger? We know that we also increase stigma for the person and also the community. At the moment, that work is ongoing. There is a draft policy document and decision framework that we are discussing at the moment between the agencies, particularly between Policing, the Ambulance Service, mental health services and Health. I expect that consultation will continue into next year before we look at agreeing on what we call the correct agency and right engagement model. Some of that work will involve ministerial discussions, including with Minister Paterson.

MR BRADDOCK: Thank you.

MS CARRICK: I want to ask a couple of bushfire questions. How many activities under your Bushfire Operations Plan were delivered in 2024-25? There is quite a lot there.

Mr Scott: I have read and acknowledge the privilege statement. Thank you for the question. The Bushfire Operations Plan sits with the ACT RFS for auditing purposes, but the major Bushfire Operations Plan sits with the Parks and Conservation Service. The question was about the number of activities—is that correct?

MS CARRICK: Those that were actually undertaken.

Mr Scott: All the actions were undertaken, and the audit was done by the ACT RFS to show that those actions were complete by all stakeholders that had BOP plans. That includes Education, the Suburban Land Agency and the like. The Parks and Conservation Service has the largest BOP activities for the ACT in the land that they manage.

MS CARRICK: I want to ask about fuel management and burns. How many First Nations burns did you support?

Mr Scott: I would have to take that one on notice, as to the exact number that we supported. But we have done some work with Birrigai in particular, with the plans that

they have. I know the Parks and Conservation Service has also done the same. That cool, slow and methodical burning is a key risk reduction activity. I need to highlight that burning activities are just one of the ways in which we reduce risk in the ACT.

MS CARRICK: What are the issues with Bluetts Block and fuel management burns there?

Mr Scott: I would refer that one to Nick Daines from the Parks and Conservation Service.

Mr Daines: I will answer some of Ms Carrick's questions. In terms of BOP items within the PCS and now CED, we completed 426 items, including access maintenance, burns, chemical treatments, and the like. Specifically around cultural burns, there were no cultural burns facilitated purely by PCS, but we did support a cultural burn that happened at Ginninderry, which I attended in person, which was fantastic. We have other cultural burns planned for the coming Bushfire Operations Plan.

In terms of Bluetts Block, that is what is commonly known as blocks 403 and 402 and the undeveloped portions of block 12. A scheduled burn will happen there, hopefully in the next few weeks. That is as part of the development approvals that happen there. Similarly, while we are on the topic, there has also been an Environmental Significance Opinion granted on behalf of my team to continue the track and trail maintenance. That will help facilitate future prescribed burns in the area to keep the future suburbs safe.

MS CARRICK: Regarding the tracks and trails, if fires come from New South Wales, how do you make sure that the tracks are available and maintained in New South Wales?

Mr Daines: That is a great question. We have a robust roading network within the ACT. Over 3,000 kilometres of trails are managed by my team. When it comes to trails in New South Wales, we have collaborative working groups with their Rural Fire Service and that sort of thing. They have what is called the FAFT program—Fire Access and Fire Trails program—to manage them to a very similar standard as ours. Similarly, we make sure that the trails to the highest risk areas, around the north-west of the ACT, where they come from in New South Wales, are always managed. That is where we focus our hazard reduction.

Mr Scott: I could add to that. We have representations at bushfire management committees in the New South Wales zones that surround the ACT, and access trails are part of those committees, as well as the risk reduction activities that occur. There is very good collaboration between the ACT Parks and Conservation Service, the ACT Rural Fire Service, the New South Wales Rural Fire Service, the National Parks and Wildlife Service within New South Wales, and also the forestry industry, including the private forestry near Tumut.

MR WERNER-GIBBINGS: My first question is for you, Mr Scott. It is about the published version 5 of the Strategic Bushfire Management Plan. How does the SBMP differ from previous versions, and how will it work across the government?

Mr Scott: Thank you for the question. The Strategic Bushfire Management Plan was established post the devastating 2003 fires that we all know impacted the western edge

of the ACT. Out of that, version 1 was drawn up. It is a five-year plan, and we are up to version 5, as you said. It is a whole-of-government plan that looks at the full cycle of emergency management for bushfire risk, including planning, preparedness, response and recovery.

Version 5 is different to versions 4, 3, 2 and 1 in that, towards the end of version 4, we hosted a facilitated workshop to look at the success of version 4 and how version 5 will differ as we move forward. A lot of the actions that came out of the previous Strategic Bushfire Management Plans are now embedded into our business-as-usual activities, not just in the Rural Fire Service or ESA but also in other areas of government, because the whole plan is focused on a government response.

Version 5 has been broken down into six themes. These themes had a working group established at the drafting phase of the SBMP. That included key stakeholders and subject matter experts who looked at the themes and the actions that would sit under the six key themes. There are 70 actions in SBMP version 4 and they have a consistent theme. All themes look at climate, cultural inclusiveness, environment and operational elements. As the plan was being drafted, it was also sent out for public consultation. We also had some working groups with the Multi Hazard Advisory Council in particular, who were heavily involved in the drafting of the SBMP. Feedback was sought from them. And we had some public consultation sessions through YourSay as well. A listening port was developed, which led to the final drafting of SBMP version 5, which is being released at the start of this fire season.

The other difference between SBMP version 5 and the previous version is that it is a complete rewrite. We now have an implementation plan, which is an attachment to the original plan. That means that, as we go through the five-year cycle, if there is anything to do with innovation initiatives, climate change or significant fire events, we can pivot and change the outputs in that strategic plan as we go through the life cycle of it. An example of why we have gone through that is that, during SBMP version 4, we had a significant fire event, which was the Orroral Valley fire. That had the ability to stymie some of the initiatives, because we had a significant fire in the landscape. By having the implementation plan as a separate document, we could manipulate that as we see the progression of technology and the climate or other impacts.

MR WERNER-GIBBINGS: Thank you very much. Mr Dutton, I asked your predecessor during annual reports hearings for 2023-24, at the start of this year, a question about the work the ACT Ambulance Service was doing or looking at in integrating the public responder app into the emergency dispatch system. I do not have his quote with me, unfortunately, but he said that the Ambulance Service is looking at it and has been doing some work on what the options are. Where is it up to 10 months later? What is the situation?

Mr Dutton: Thank you for the question, Mr Werner-Gibbings. We are currently in the technical scoping phase, working with Digital Canberra on understanding the technical scope of that project, and then we hope to move through a procurement phase. Work has advanced since the committee was last updated by Mr Wren, and we will be more informed as to what a potential full project timeline looks like once we get the advice back from our colleagues in Digital Canberra.

MR WERNER-GIBBINGS: When do you expect that advice?

Mr Dutton: At a high-level, Mr Werner-Gibbings, it is a project for this financial year. The detail is being developed and needs to be subject to that advice. There is a very technical integration with our computer-aided dispatch system in order to join two technical systems to make this technology work, but we are very excited about the prospects that lay ahead for us.

MR WERNER-GIBBINGS: Thank you very much. That was very helpful. Minister, how is the Emergency Services Agency tracking in terms of the number of women in Emergency Services?

Dr Paterson: Great question. I will hand to the Commissioner, Mr Phillips, to talk about this. This is a bit of a passion area. We just had the Girls on Fire program here in the ACT. It is a program over a couple of days, where young women who are at school can spend a few days with our emergency services at Hume.

MR WERNER-GIBBINGS: Mr Phillips, could you talk about the tracking, in terms of the number, but also the initiatives to encourage women into emergency services.

Mr Phillips: I can give you the details of the numbers across the workforce as at 30 June 2025. Our Ambulance Service has 52.3 per cent women; our state Emergency Service workforce has 54.5 per cent; the ESA enabling support service has 43 per cent; the Rural Fire Service has 32.7 per cent; and our Fire & Rescue workforce has eight per cent. We concentrate on traction with regard to, first of all, building a cohort of people who wish to become emergency services people and then building an inclusive place where everyone can feel that they belong and it is safe to work with us to protect the ACT community. One of those avenues is to show the great work of our emergency services to young women in years 10, 11 and 12 and attract them.

The activity that the minister just mentioned was Girls on Fire, which is a national approach to attract young women to be interested in emergency services. One of the advantages we have here is that all emergency services, bar police, sit under one banner. We were able to have a couple of Fridays with 33 young girls from years 10 and 11 across the ACT to experience our four emergency services. At Fire & Rescue, they pretended to cut up cars. They spent time at the Ambulance Service and did some work with the SES and the RFS as well. They were awesome days with really good attraction and great feedback from the young women. We are looking at promoting those types of activities next year to attract more women into the front end of the application process, particularly around Fire & Rescue.

MR WERNER-GIBBINGS: So the idea is channelling the cohort to applications?

Mr Phillips: Yes. That is where we try to get the interest in applications. That will be our biggest challenge.

MR WERNER-GIBBINGS: Thank you, Commissioner.

MR RATTENBURY: I want to return to the earlier discussion about the incident with the bus. I want to know why the young person was just put back on the bus. Having had

the living daylights frightened out of them, they were popped back on the bus—"On your way mate. Good luck." Is this normal procedure for such a circumstance? Hopefully, there are not many of these circumstances, but is there not a procedure for a bit of a welfare check or contacting the parents?

Dep Commissioner Lee: There was a conversation with the young person after he was unarrested, Mr Rattenbury. There was a conversation that led to him returning to the bus. But, as I indicated, it is something that we are looking at, to learn from the incident and see whether we need more guidance or additional policies around how we provide support to a young person, particularly where, as you say, they have been through a traumatic incident, they are still processing that incident, and then we want them to make decisions. That is something we are looking at in the context of our procedures. There are some learnings and some guidance that we can provide to our people.

The second part of your question went to contact with the family et cetera. I will pass to Commander Bailey. There were some attempts made to contact family. Addresses were provided and we sought to initiate contact, but that took us a bit longer than we had hoped, in order to open dialogue. I will see whether Commander Bailey has anything to add.

Cmdr Bailey: The CPO essentially summed it up. A number of phone calls were made and there were attendances at a last recorded address that we had, and then contact was made some time later through established familial contacts in the community.

MR RATTENBURY: You spoke earlier about looking at the welfare of the officers involved. I am interested in the welfare support that has been provided to the young person.

Dep Commissioner Lee: There is ongoing discussion, and we certainly have committed to play a role in or provide support services—victim liaison officers—and assist with other wraparound services for this young person. We are doing that in consultation with other directorates here in the ACT and obviously with the family et cetera. That is an ongoing discussion. I do not know whether it is resolved yet, but it is something that we are certainly actively engaged in and working through to ensure that we can provide all the support that we can.

MR RATTENBURY: Thank you.

Cmdr Bailey: I can add to that, CPO. There certainly was a discussion over the weekend with the superintendent of our Vulnerable Persons Unit, who handles all of those relationships, both internally and externally, with providers. At I think 4 o'clock today, there was a meeting with him, and a family representative is now willing to meet us to discuss the way forward in providing whatever support is required.

MR RATTENBURY: Thank you.

MR EMERSON: Are you able to commit to funding trauma counselling for the boy? I understand that is the family's request.

Dep Commissioner Lee: Yes, we will do that. I saw the family's request around trauma

support. If funding is required to support that, we will provide that.

MR EMERSON: Thank you. On the same incident, after the correct suspect was arrested on Wednesday evening, ACT Policing issued a statement on social media about the arrest which included just one line about what had happened on the bus earlier, which we have been discussing today. It said:

> Police stopped a Transport Canberra bus after receiving information that the teenager was onboard, but he was not able to be located.

That is the extent of that. Do you accept that the statement grossly misrepresented what occurred?

Dep Commissioner Lee: Sorry, Mr Emerson—could you read that to me again? I do not have that in front of me.

MR EMERSON: There is an explanation of the events leading to the arrest of the 15-year-old boy. The only mention of the bus incident said:

> Police stopped a Transport Canberra bus after receiving information that the teenager was onboard, but he was not able to be located.

Dep Commissioner Lee: I do not think it provides a full understanding of the circumstances of the misidentification, so I do accept that.

MR EMERSON: Thank you for that. Community members agree. They wrote comments under the post that sought to clarify what occurred earlier. They were all deleted, though. The remaining comments reflect positively on the efforts on the day, saying things like: "Great work" and "Once again, diligent and excellent work by ACT Policing." Why were the comments deleted? Is there a procedure or policy somewhere that we can refer to to understand that?

Dep Commissioner Lee: Yes, there is. You raised that with us previously. We have sought to identify those posts. The posts were not deleted; they are hidden from others who can see the chat. Certainly to date, we have not been able to identify the posts that have been hidden from that stream. Because of the way the search occurs, apparently we need a username or something like that. Our media team have looked at it. They have looked at it over the last day or so but cannot identify the specific posts that are being referred to. There are policies that we have in terms of how we moderate that stream. Basically, it is in line with community guidelines around racist comments, profanity and those sorts of things. Those posts will be hidden. Certainly, where there is either positive commentary or criticism of ACT Policing, we do not hide those posts. I am certainly happy to provide the committee with further detail on those guidelines if that would assist.

MR EMERSON: I think it would. I have had reports of multiple comments from family members disappearing. One of the comments that is still on the post says: "How do you get carjacked by a 15-year-old? Just cave his head in with a steering wheel lock." Would that be a violation of the community guidelines you mentioned?

Dep Commissioner Lee: It is not something I would ordinarily see us leaving up there, when it is inciting violence, Mr Emerson. It is the sort of thing I would expect we would hide. We would remove the post. I do not know when that post was made, but we have a team that moderates. It does not moderate the stream 24/7. We turn the comments off, so it may well be that it has not been moderated at this stage, but we will look at that. When there is talk about violence, that is the sort of thing we moderate and hide.

MR EMERSON: Do you accept that this kind of downplaying of the gravity of the incident is, along with the incident itself, destructive to relations between police and Canberra's First Nations community? And what is your assessment of those relations? What kinds of commitments can you make to rebuild them, regarding the outcome of this incident more broadly?

Dr Paterson: What I will say first is that I do not believe that there has been any downgrading of the seriousness of what happened. From the very moment that incident happened, I was notified of what happened. There were then subsequent attempts to support the young person, find the family and support the family. There were multiple attempts, working with the Elected Body and other stakeholders, to try to engage with the family in any way possible. There has been recognition the whole way along that this young person was misidentified and that we recognise the impacts that this has had on him and the family. I do not think there has ever been any underplaying of that.

MR EMERSON: Deputy Commissioner Lee indicated that the initial statement probably did downplay—I do not want to put words in your mouth, but I think he said it downplayed the gravity. Today a statement has been issued that addresses what happened, now that there has been public commentary about it. Perhaps that should have been issued on the day. You can see what I mean about the online public commentary.

Dr Paterson: People's privacy too. It is a matter of judgement at the time. Obviously there are a lot of engagements that ACT Policing have that never reach a threshold for a media release. These are judgements that are made at the time, but it does not undermine the fact that ACT Policing did take the fact that this young person was misidentified as an offender and subsequently attempted to follow that up.

Dep Commissioner Lee: Mr Emerson, in terms of the original media release, I agree it could have been more fulsome of what occurred. In terms of our response to the issue, we do not want anyone to be of the view that we are seeking to downplay the incident. What we are seeking to do is contextualise it, noting that they are difficult, dynamic situations that our people respond to, and it is purely contextualising the response. We certainly do not step away from it. We have apologised and we will continue to apologise for the misidentification and the effect it has had on the young person and his family, as well as the concerns it has raised within the broader community. I do not want anyone to think that we are looking at stepping away from what occurred.

In terms of communication, there were certainly attempts made to contact the family. There was some complexity to that. We wish that had occurred earlier so that dialogue could have commenced. When it did commence, the conversation we had last weekend was in relation to us putting out a media statement to provide a more transparent level of detail to the community as to what occurred. We were asked not to do that and for

the meeting with the family to occur first on the Monday afternoon. Otherwise, we were in a position to put out a media statement on the Saturday. But, having said that, I think it was sound advice to attempt to have a conversation with the family first before it was made public. That is the way the sequence occurred in terms of media.

We were advised, as you are aware, that the Elected Body, the community and the family were going to put out a media statement. Again, we made a decision not to put out a media release prior to that. I think it was a legitimate and respectful strategy to allow them to put that out once we were notified of that. We waited for that to occur before we put out our media response, and then there was the media et cetera today. There are a couple of components to that. I certainly want to reassure you that there is an absolute intention around transparency and acknowledgement of responsibility in this matter. The context is important.

In terms of the First Nations community, I am absolutely concerned about the impact on those relationships. It is something that has been a priority since I started and continues to be a priority. We are working hard with the community to build relationships of trust. That is challenging and takes time. We are aware of not only this incident but also other incidents that have had an impact on that, and we have made positive progress. Obviously it has had an impact, regarding degradation of that trust. That is why, to be honest with you, Mr Emerson, I offered that additional detail, so you can understand the full extent of what we are putting in place to try to ensure that we are updating our processes, looking at continuous improvement, and ensuring that we understand that there absolutely is more work we need to do, not only in training but also in making sure our processes are in place. Our restorative justice performance in our annual report is evidence of that. For example, we are putting in place more processes to improve those outcomes, not only with First Nations people but also with non-First Nations people. I would characterise the response to that question as a way to hopefully provide a level of reassurance.

THE CHAIR: I have a question, and I will use my discretion as the chair to ask my question, because it has been nagging me for some time. Minister, the issue of systemic racism has been raised through several reports over the years. The Jumbunna report is the new kid on the block, and that is what the government is focusing on. In a previous session, I asked the Attorney-General why several reports keep raising systemic racism, and I think the word she used—and I could be wrong about the particular word—was that "colloquial" systems are still in place. Your government has held the reins for 24 years. Why haven't you changed those "colloquial" processes and systems?

Dr Paterson: Ultimately, as the Attorney-General said, our systems are based on colonial structures. This parliament is a colonial structure, and this is the highest level of all our departments and directorates. We know in this parliament that we still have a long way to go in terms of seeing First Nations representation and diverse representation. This is an issue that we recognise in the ACT and across Australia as needing absolute continuous improvement and urgent improvement.

This is why we have the National Agreement on Closing the Gap. We recognise the disadvantage that the Aboriginal and Torres Strait Islander community faces in the ACT and across Australia. The disproportionate over-representation and the negative outcomes from interactions with our system are things that we have to continue to work

on. As you said, there are multiple reports. There are corrections, for example, and we have the Healthy Prison Review which points to multiple areas of improvement that are needed to support First Nations people who are incarcerated in the AMC. Then we have Jumbunna. We have a lot of reports and recommendations that all point to systemic change that is needed.

One of the things that Jumbunna suggests is an oversight body to establish oversight over the whole-of-system changes that are required. This is highly appropriate. A lot of the focus of reports has been on specific sectors of our system. Ultimately, we need a broader whole-of-system overview to start to see change. This starts before people are born. This starts in education and getting kids into our education system. It starts at home and in families and in providing wraparound support. These are not easy things to fix overnight. But what I can assure the committee and the community on is that there is significant will and a commitment to work on addressing these things over time. Key to that, as the CPO said, is building relationships and trust with our First Nations community. We cannot do this alone. We need to do this with them.

I think the Elected Body has been amazing. I have had many interactions with them over the past year that I have been in this role. They are a critical point of contact, reference and support for the community and also for the government, in terms of providing advice and directing us where we need to go and where investment needs to be. That work will continue through the implementation of the Jumbunna recommendations.

THE CHAIR: Thank you. We will be keeping a close eye on the implementation of that review. On behalf of the committee, thank you for your attendance today. If you have taken any questions on notice, please provide your answers to the committee secretary within five business days of receiving the uncorrected proof *Hansard*. I thank witnesses who have assisted the committee through their experience and knowledge, and also thank broadcasting and Hansard staff for their support. If a member wishes to ask a question on notice, please upload it to the parliamentary portal as soon as possible and no later than five business days from today. Thank you very much, everyone.

The committee adjourned at 5.04 pm.