LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2024-2025

(Reference: Inquiry into Appropriation Bill 2024-2025 and Appropriation (Office of the Legislative Assembly) Bill 2024-2025)

Members:

MS N LAWDER (Chair)
MS S ORR (Deputy Chair)
MISS L NUTTALL

TRANSCRIPT OF EVIDENCE

CANBERRA

FRIDAY, 2 AUGUST 2024

Secretary to the committee:
Dr D Monk (Ph 620 50129)

By authority of the Legislative Assembly for the Australian Capital Territory

APPEARANCES

Privilege statement

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Amended 20 May 2013

The committee met at 8.59 am

Appearances:

Gentleman, Mr Mick, Minister for Business, Minister for Fire and Emergency Services, Minister for Industrial Relations and Workplace Safety, Minister for Multicultural Affairs, and Minister for Police and Crime Prevention

Justice and Community Safety Directorate
Glenn, Mr Richard, Director-General
Johnson, Mr Ray, Deputy Director-General, Community Safety
Cvetkovski, Ms Dragana, Chief Finance Officer

ACT Policing
Lee, Mr Scott, Chief Police Officer for the ACT
Bailey, Mr Andrew, Acting Deputy Chief Police Officer for the ACT
Whowell, Mr Peter, Executive General Manager, Corporate Services
Levay, Ms Nicole, Executive General Manager, Strategic Accommodation ACT

THE CHAIR: Good morning and welcome to the public hearings of the Select Committee on Estimates for its inquiry into the Appropriation Bill 2024-2025 and the Appropriation (Office of the Legislative Assembly) Bill 2024-2025. The committee will today hear from the Minister for Police and Crime Prevention, the Minister for Industrial Relations and Workplace Safety, the Minister for Children, Youth and Family Services, the Minister for Aboriginal and Torres Strait Islander Affairs, the Solicitor-General, Evoenergy, the Minister for Consumer Affairs and the Minister for Gaming.

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

The proceedings today are being recorded and transcribed by Hansard and will be published. The proceedings are also being broadcast and 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 Mr Mick Gentleman MLA, the Minister for Police and Crime Prevention, and officials. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. If you could please confirm you understand the implications of the statement and you agree to comply with it.

Mr Johnson: I have read and understand the statement.

Mr Glenn: I have read and understand the privilege statement.

THE CHAIR: You do not have to, Mr Lee.

Mr Lee: I have read, understood and acknowledge the statement.

Mr Bailey: I have read, understood and acknowledge the statement.

Mr Whowell: I have read and understood the privilege statement.

Ms Levay: I have read and understood the privilege statement.

THE CHAIR: I want to ask about upgrading infrastructure. There are upgrades mentioned on page 163 of the budget outlook, listing two items: atmospheric testing and upgrade critical infrastructure for ACT Policing facilities. Could you provide a breakdown of the costs for the two different initiatives?

Mr Gentleman: Yes, we should be able to do that for you. I might hand over to Ms Levay to give you some details.

Ms Levay: That might be a JACS question.

Mr Glenn: That might be better for JACS if that is all right.

Mr Whowell: It might be better if Dragana can pull those figures together; I do not have them immediately in front of me.

THE CHAIR: Or you could take that question on notice?

Mr Glenn: Perhaps can I start, Chair, while people find the information that measure describes? There are two sets of infrastructure work. The atmospheric testing is in relation to ESA stations, so that is not a feature of what is going on for ACT Policing. The remainder of that measure is to address works that have occurred in the city station to remediate water damage that had occurred.

Mr Lee: Chair, we can probably assist you there in terms of some of those remediation works within ACT Policing. I might pass to Mr Whowell on those issues around some of those infrastructure costs.

THE CHAIR: Including which facilities they would be?

Mr Lee: We can. We certainly have some of that detail in terms of our infrastructure costs.

THE CHAIR: We are just conscious of the time. If you do not have it, we can move on. You can either provide it on notice or come back to it a bit later.

Mr Whowell: Very quickly, Chair, I think that measure refers to some of the upgrades that occurred in the Gungahlin Police Station as part of the Joint Emergency Services Centre. Separately we got funding in the budget, but I do not think it is on

page 163, to address the leaks at City Police Station. That was around $3.1 million, but I will check that. I will take it on notice.

THE CHAIR: On page 39, there is a further increase for better facilities for ACT Policing of $6.575 million; what is that money going to be spent on particularly, or is that the same as what we were just talking about in some way?

Mr Whowell: Sorry, Chair, could you repeat that page reference?

THE CHAIR: Page 39, Justice and Community Safety Directorate budget statement, budget statements D. While you are looking—or we may have someone else who can assist?

Mr Gentleman: Chief Financial Officer, I think.

Ms Cvetkovski: Good morning. I have read and acknowledge the privilege statement. You were referring to page 39, better facilities for ACT Policing?

THE CHAIR: Correct.

Ms Cvetkovski: That particular initiative includes three components. One is the functional design study on the ACT headquarters and City Police Station. The other component relates to the Woden and Molonglo region feasibility study. The third component relates to works on delivering better facilities for ACT Policing.

THE CHAIR: So the third part, better facilities for ACT Policing—what does that mean?

Ms Cvetkovski: Sorry, I did not hear the question.

THE CHAIR: You said there were three parts, the headquarters—

Ms Cvetkovski: Correct.

THE CHAIR: Woden and Molonglo feasibility, and three—

Ms Cvetkovski: That is correct—and delivering better facilities for ACT Policing.

THE CHAIR: Yes. What does that mean? What is included in that?

Ms Cvetkovski: That includes various upgrades to infrastructure to address infrastructure compliance issues and hazardous material that was identified during the 2018 audit. The project includes access lift and lighting upgrades to the Winchester Police Centre and traffic operation command, previously located in Belconnen.

Mr Gentleman: The traffic operation centre now is at Hume and is operational. It is a much better facility than what we had at Belconnen. It is a much larger facility and better for staff and operations.

MR BRADDOCK: I would like to ask some questions about the media reporting on a

recent incident of a Zimbabwean man who was arrested by police on suspicion of trespass in his own home. I appreciate there is a complaint and an internal investigation, so there are limitations to what you can say about that, but I am interested in some of the surrounding circumstances. I have received correspondence from the African Australian Council ACT expressing their concern that this is an example of racial profiling, underscored by both the disproportionate response of five officers responding to the incident and the use of the term "belligerent" when describing Tuck's behaviour. Given you have had subsequent conversations with the African council and community, can you please provide a response to that?

Mr Lee: Yes, I can. Certainly, what I would say from the outset is, as you say, there is an ongoing independent professional standards investigation now. I am waiting on the outcomes of that investigation. I think from our perspective it is important for us to reinforce that our members were responding to a complaint from a resident in that private facility that a person was trespassing. ACT Policing and our members responded on that basis and engaged with the male as a result of that complaint. It was certainly not self-initiated or targeted by the police. As you say, at the present time, that matter is now subject to an independent investigation, and we will wait on the outcomes of that investigation before proceeding further.

I am aware of issues that were raised in correspondence that has been received from the African community. As a result of that correspondence, I asked that ACT Police reach out and meet with the African community in relation to those concerns, as we do with any community in the community engagement we undertake with all communities across the ACT through the executive and also through our community engagement programs. There have now been two meetings where we have sought to open a dialogue with the African community to better understand their concerns and to talk to the African community leadership to see how we can better work together.

There have been two of those meetings, Mr Braddock, and I am happy to provide you with some more detail on the outcomes of those meetings, including some of the issues that have been raised by the African community. I will pass to the Acting Deputy Chief Police Officer and also Mr Whowell, both of whom have been in those meetings with African community members.

Mr Bailey: There have been two specific meetings, in addition to the multicultural meeting that was held at the Legislative Assembly, which you and I were both present at. That was the first opportunity for me to engage with the community and answer concerns. A formal meeting was held on Saturday, 13 July, with the African Australian Advocacy Centre and the African Australian Council ACT, where, essentially, the issues that led to the event, the response to the event and their concerns were discussed at length.

There was a second meeting last Saturday, that I attended with Mr Whowell, with one member of that community who was unable to manage to make the first event. Again, we worked through those meetings and we discussed issues of increasing engagement with the community, recruiting of that segment of the community into the AFP broadly and into ACT Policing. As the CPO said, I reflect on our engagement through the multicultural liaison officers, our attendance at a multitude of multicultural events and that we recently sponsored an African event in the park. I will hand over to Mr

Whowell for anything additional.

Mr Whowell: Yes, I guess one of the main outcomes of being able to have those discussions was an open dialogue, and we very frankly went through their concerns around racial profiling or suspicions of that, as you have outlined in your question. In terms of moving forward, we have agreed to come back and talk again about how we can improve our cultural literacy within ACT Policing around African communities. One of the points that the community made very clear to us was the great diversity in Africa and how that is reflected in the ACT community, and how we needed to potentially improve our literacy around that.

Obviously, ACT Policing has been doing a lot of work around cultural literacy with First Nations. What we would like to be able to do in partnership with these groups is look at how we can supplement that and do something that is specific to African communities. We have explained how we have established yarning circles as a mechanism of our cultural engagement with the First Nations community, and we want to work to develop similar mechanisms with the different African communities in Canberra.

MR BRADDOCK: Firstly, the latest media report indicated that Tuck had not received any acknowledgement or communications since submitting his complaint. Is that the normal procedure? Or should the AFP at least be providing some sort of acknowledgement and explanation of the complaints process to someone who does make a complaint?

Mr Lee: I would have expected that with the lodging of the complaint there would have been some communication with him from our professional standards command. So I am happy to take that on notice to obtain further details as to whether that has occurred, or to what extent that may have occurred, and to provide a response to you on that issue.

MR BRADDOCK: Thank you. Secondly, once the internal investigation is complete, will the results be publicly published in some form? How will that happen?

Mr Lee: I have previously made a commitment that I will make public the outcomes of that professional standards investigation, regardless of the outcome. Certainly, it is my intention to do that. I would also say, Mr Braddock, if I could, just to an earlier question, with the African meetings there were also some other specific incidents that they wished to discuss with us where they had some concerns where community members had raised those concerns. So we are also in the process of reviewing those matters, understanding the full circumstances of those and also discussing those with the African community as well.

MR BRADDOCK: Are you able to divulge what is the nature of those other concerns?

Mr Lee: I am happy to. I will pass to Mr Whowell, the Acting DCPO, who can discuss those.

Mr Whowell: Respecting the privacy of the people that were there, they raised some

specific incidents around one member of the community who was at the first meeting. He is a business owner and was having issues with persistent shop lifting. They were not satisfied with the response they were getting from ACT Policing. So that is one issue we are following up. Another one was where one member was involved, unfortunately, in a motor vehicle accident where they had been rear-ended. They felt they had been treated differently by the attending police officers to the person who had rear-ended them. They were the two I can speak to, that I remember.

MR BRADDOCK: Coming back to the incident, is it normal that five police officers would be required to respond to a simple allegation of trespass?

Mr Lee: I will pass to the Acting Deputy, who can give you some context around that in terms of our response, Mr Braddock.

Mr Bailey: I know, on the face of it, it may seem excessive. Two members attended initially, which is usual, a two-up patrol. A supervisor subsequently attended. Supervisor attendance at incidents is not unusual, particularly as we train and develop our members to be better officers. The third vehicle that attended was a secure cage vehicle in case transport was required. However, it does not mean all of those members are forward facing and dealing with the complainant. In most instances, they would be standing back and observing.

THE CHAIR: Mr Braddock asked whether the report would be publicly published, and you said you were happy to share the outcomes. Is that different to the full report?

Mr Lee: It may be, Chair. Certainly, I am committed to providing you the outcomes of the investigation. It would be premature for me to say that I would be in a position to provide a full copy of the report because there may be some sensitivities within the report for privacy considerations, et cetera, where there may need to be redactions made to the final report. So, very happy to make the outcomes known. I am committed to ensuring we are transparent with the Legislative Assembly and also with the community in terms of the outcome of that investigation, but I think it would be premature for me to say that I could provide the full report until we understand it fully.

THE CHAIR: Also, Mr Braddock asked about the police response and the number of people who attended. Certainly, out in the community people have expressed to me, you know in a colloquial sense, that you cannot get someone to come to your house when there is a break-in, but five police attend an incident like this, which seems a bit overdone. How is it that so many police were available to attend this one event, about one person?

Mr Lee: I understand that perception and acknowledge that. It would be general practice for something like a caged vehicle—so there are two issues here. There is the safety of the offender, in terms of if they are arrested, being able to be taken into custody safely with the right amount of people, being able to be transported safely. In an incident like this, the moment they are no longer required they will go—what we call mobile—and be ready to receive jobs from police communications to further serve the community.

MS ORR: Can I get an overview as to what outreach police are doing with the

community? As a result of this incident, what sort of outreach on an ongoing basis are you going to do, particularly with the African community, but also with other communities that might feel that they need to improve that relationship?

Mr Lee: We have a range of community engagement initiatives that are underway through ACT Policing. They can range from community engagement that occurs at a station level with their local communities and local community leadership, which would be undertaken by the OICs of our police stations and our general duty staff on a day-to-day basis.

We obviously also have a range of arrangements in place under our family violence and vulnerable persons portfolio, where we have liaison officers and community engagement teams who are also responsible for reaching out to communities, such as the First Nations community. Obviously, we will look at what more we need to do in consultation with the African community. Other CALD communities are subject to parts of that engagement by our community engagement teams and our liaison officers.

As well, we also partner and sponsor with government and non-government organisations in terms of how we can sponsor specific community events. So there is a spectrum of what we may do in terms of the engagement with those communities. We have some more detail if you like. We are happy to provide you with some of that detail of what we are doing with some of those non-government organisations in terms of how we can better engage with communities. I might pass to—

THE CHAIR: Perhaps you could provide that on notice?

Mr Lee: I am happy to, Chair, if that would be easier?

THE CHAIR: Yes, just trying to move on. I remembered my question. Someone mentioned, either Mr Whowell or Mr Bailey, that there was the initial two people, a supervisor and then the transport van—

Mr Bailey: Caged vehicle—

THE CHAIR: and we are using the Tom Jones defence; you said, it is not unusual for a supervisor to attend. Can you provide a breakdown of statistics perhaps over the past year of the number of, or the percentage of, instances where a supervisor did attend?

Mr Lee: I could take that on notice.

Mr Bailey: I would just say to you, Chair, whether our systems would have—we will do what we can obviously for you and for the committee.

THE CHAIR: Otherwise, how do you know if it is unusual or not?

Mr Bailey: Well, it is certainly a practice, and having been patrol sergeant myself some time ago, it would be usual for me during a shift to attend a vast majority of the jobs where I could. That could be as quick as a roll down of the window and a quick situation report to see how they are going. But a higher priority, more complex job

would certainly have some supervision. As the CPO rightly points out, we can look at our CAD system—I think we would have to look for where a supervisor call sign has been attributed to an event. We will do what we can to separate out that data for you.

MR BRADDOCK: Do you appreciate that alleged incidents like this can make multicultural communities hesitant or impact their confidence in coming forward to the police?

Mr Lee: Yes, of course, Mr Braddock. I think that is why it is important for us to have engagement and a dialogue with these communities, where we can actually sit down and discuss the issues relevant to these communities, and, also, in those situations, provide the perspectives and the understanding of the police in terms of these types of responses. I think it is certainly an issue we see in a range of communities here in terms of not only how we police but also ensuring there is an understanding that part of our role is around that assurance to the community, engagement with the community and support to these communities, as well through our policing operations. So very much a support role in addition to the enforcement of the law where we need to.

Obviously, for policing we need the support and we need the assistance of the community. We are also very conscious that for us to be able to police effectively, we need that legitimacy and trust of the community in our policing operation and what we do as the police force for the community here as part of the AFP. So, we certainly understand those concerns and that is why it was a priority for us, when those complaints were received from the African community, to have the first meeting with that community within days of those concerns being raised with us.

Mr Gentleman: Can I say, Mr Braddock, that I too am very pleased with the outreach of—

THE CHAIR: Sorry Minister, we do need to move on, otherwise we will not be able to get through.

MR BRADDOCK: Can I clarify that to maintain the integrity of ACT Policing it is important that the service not only be apolitical but is seen to be apolitical as well. What protocols and policies do you have in place to ensure ACT Policing is seen to be apolitical and that guide how to manage the way individual officers choose to express a political view or to be involved in the political process?

Mr Lee: Certainly, we are apolitical, Mr Braddock. From our perspective we are—and I think that is enshrined in our democratic processes in terms of the role of policing. We are cognisant that we are operationally independent in terms of the operational decision-making we make day-to-day, but obviously we are accountable to the Legislative Assembly and through mechanisms such as this in terms of the performance of ACT Policing as part of the AFP; how we are delivering our services to the community; and our overall performance in terms of the key performance indicators that we are given from the government of the day. So we are very conscious around those accountabilities.

In terms of our members choosing to participate in the democratic process, separate to

their role within ACT Policing, we do have processes in place through secondary work processes, and those mechanisms are also covered under the electoral legislation. So those mechanisms are in place. Obviously at the present time, as you are aware, we have two members of ACT Policing who are participating in the democratic process in the lead up to the election, as is their right. We are managing that process, and I will pass to Mr Whowell in a second who can give you more detail on how those processes are applied. Part of that also goes to public messaging as well in terms of a distinction between their role within ACT Policing and their role as a candidate for the upcoming election.

Mr Whowell: Both members who have indicated that they are going to participate as candidates in the upcoming ACT election have the appropriate secondary work approvals in with our professional standards, and they have gone through that process. They have been given guidance on what they can do while performing duties outside of work for their political organisations. When it comes closer to the election, when the election is actually called and the writs are in place, there are provisions through the AFP Act and the AFP regulations for members to submit a resignation so that they can meet the requirements of the ACT Electoral Act and stand as candidates. So, we are providing support and advice to those members so that they meet those obligations in the coming weeks.

MR BRADDOCK: Do you acknowledge there may be a perception issue where there is someone who is a candidate but also at the same time is an ACT Policing spokesperson? There might be a conflation between the two roles there and hence the political risk.

Mr Lee: I acknowledge that in terms of the perceptions of conflict of interest, Mr Braddock. Certainly, with one of the candidates, when that person won pre-selection, there was an arrangement put in place within ACT Policing that that person would not undertake a spokesperson role for ACT Policing in the role that they are in. That is certainly not any sort of suggestion of any wrongdoing by that individual. That individual is a highly capable officer, and obviously has an ability to manage—or is cognisant of the different messaging between those roles, but I was concerned in relation to the perceptions that could be taken by the community. Recently there was some media, as you are aware, that was due to an issue around other available members. When I became aware of that I reinstituted my original decision that that member will not be doing media on behalf of ACT Policing in the way that they do.

MR MILLIGAN: I have a question here for the Minister. I am interested to find out where you are currently at with the discussions with the Australian Federal Police in relation to the employment agreement that we have with them.

Mr Gentleman: I get a briefing every now and again about employment negotiations on the EBA with AFP. It is separate to my role, but I can say that the government in this budget has provision for the pay rise for AFP ACT police officers, and we are prepared for that. This EBA negotiation is ongoing. There was a vote just recently which declined the position from the federal government and negotiations are continuing. AFP have done a survey of their staff in regard to what they would like to see in the EBA, and that matter is ongoing between the two proponents.

MR MILLIGAN: I have noticed in the budget papers it says "not for public". Is that because it is still under negotiation in terms of what that may look like?

Mr Gentleman: Yes, exactly. We cannot pre-empt what the outcome will be, but the Treasury can, of course, set aside funds to ensure we can meet the requirements needed once the outcome is finalised.

MR MILLIGAN: When do we expect that outcome might be finalised?

Mr Gentleman: Well, they are still in negotiation so it could be some time. The last negotiation went for about six months before the vote. We hope that it will occur quickly and employees will receive the pay rise that they are entitled to.

MR MILLIGAN: So, the previous enterprise agreement just continued, right? Just rolled on because you did not enter into a new agreement.

Mr Gentleman: Correct.

MR MILLIGAN: Can you tell us why that was the case?

Mr Gentleman: The employees voted no to the new agreement.

MR MILLIGAN: When is the new agreement due to be finalised? Isn't it in 2025? The next round—

Mr Gentleman: Do you mean the purchase agreement?

MR MILLIGAN: The purchase agreement, yes; 2025 or 2026?

Mr Gentleman: One more year, yes; 2025.

MR MILLIGAN: But that was rolled over—

Mr Gentleman: Yes.

MR MILLIGAN: from the previous year.

Mr Gentleman: That is right. In the purchase agreement, we look at directions for ACT Policing and what we would like to see for the Canberra community. We make that agreement with the commissioner.

DR PATERSON: My question is in relation to welfare checks. I recently received some information that, in 2023, there were 5,459 welfare checks, and only 195 of them actually resulted in an offence or an incident. Are you able to speak to what is involved in a welfare check and whether you think that welfare checks represent value for money and time, in terms of police resources?

Mr Lee: Thanks for your question. The issue that you have raised is a priority for me, in looking at our overall mental health response framework. This is particularly based on some international experience; it is also an issue that police services around the

country are looking at, in terms of the appropriateness of our mental health response. As you say, this is around making sure we are putting the person right at the core of any response and ensuring that the right agency is undertaking that response.

With our mental health response arrangements here in the ACT, we have been talking to our ACT government partners around that response model and ensuring that the right agency is responding. Certainly, from a Policing perspective, where there is a risk to an individual, a risk to the community or a risk to a first responder, obviously, the police will always respond and ensure that we are a part of that response. We would also, absolutely, be maintaining the PACER model, given that it is an appropriate model, and it is something that others are looking to emulate, in terms of that tri-agency response.

We are looking at a number of areas where, in a number of circumstances, police are not the appropriate first response. I will refer to a few areas. One of those is welfare checks; is it best undertaken by police or is it best undertaken by ambulance or others? Another is where we receive calls for service. In a lot of situations, we will respond, but we are already doing some work with ambulance about whether it should be us or the Ambulance Service. I think there will be more there, in terms of how we update our governance, policies and training to ensure that we have an appropriate response model between us and our partner agencies. Another is in relation to our attendance at hospitals. Our police are certainly being tied up for extended periods within the hospitals. We are working through that collaboratively with the Health Directorate.

There is a range of benefits to us from doing this work at the moment, particularly around, as I said, ensuring that the right agency is responding. We know about the international experience, and we have already seen a decline regarding use of force in mental health situations. I am hoping that these new arrangements will also reduce that further and, where there is not a requirement, we are not introducing use of force options, if you like, and potential escalation into a situation where it is not required.

The other thing we are talking about involves really simple things in the community, in terms of stigmatisation; it is much better in the community to have an ambulance outside the house than a police car. They are absolutely issues that we are looking at. As you have alluded to, there is also a benefit in terms of demand management. We are expecting that it will free up some of our police resources and we can then use those resources to support other victims.

DR PATERSON: Can you give us an anecdotal overview of those welfare checks? What proportion would be where someone has just not heard from someone for a while and they are concerned about their welfare versus mental health or perhaps other incidents where police are the most appropriate to attend?

Mr Lee: I will hand over to the Acting Deputy Chief Police Officer.

Mr Bailey: It is probably very difficult to disaggregate what we are seeing in the complexity of responses. Particularly in what we clarify as a category 2 response, we are seeing overlapping issues of mental health and substance abuse in those fields, right through to minor matters as well. As the CPO rightly points out, for the police, and particularly as a 24/7 agency, out of hours, we might be the only people available.

We could have a look at some of our job incident type data and see whether we can pass a little bit more information to you on those types. They are very complex and they overlap.

THE CHAIR: You will take that on notice?

Mr Bailey: I will take that on notice, yes.

Mr Gentleman: Chair, can I take the opportunity to clarify an earlier comment in regard to Mr Milligan's question on the purchase agreement? It actually goes to 2026. 2025 is when we start negotiations.

MR MILLIGAN: Thank you. What strategies is the government using to attract new officers to the force that have experience? There tends to be a bit of a gap in the middle, from the feedback I have received, in terms of officers with experience. What is the government's strategy to try and attract officers to fill that void?

Mr Gentleman: We are working with AFP and ACT Policing on recruitment. We have funded an extra 126 police over the five-year period. They go through the training college and train to be successful as general duties officers when they have completed it. There is an attraction for ACT Policing over other jurisdictions in regard to the career path that you see with AFP. You could begin as a protection officer. You might go to general duties, work in the ACT as a general duties officer for a number of years and then move to AFP national, where there are opportunities to serve overseas and on larger deployments as well. We find that those experienced officers come back and become the Chief Police Officer. It is a great career path with AFP compared to other jurisdictions.

We have not initiated any of the funding opportunities that you might see in other jurisdictions where there are cash payments up-front. Our recruit courses are going well and we are adding to the number of police officers on the ground here.

MR MILLIGAN: Obviously, cash payments up-front to sign up to the force comprise a very attractive offer for officers to join other jurisdictions. Is there any reason why you are not considering it here? Is it because of budgetary measures or because you do not think that it is—

Mr Gentleman: We are able to fill our recruit courses at the moment, so I am pleased with the work that is occurring. There are employment offers in other areas as well. ACT Ambulance, for example, has challenges with other jurisdictions. The deputy director-general and I were over in the UK a few years ago, looking at the police service model, and visited with the London Ambulance Service. They were providing cash payments for Australian ambulance people to serve in London for a period of time. That is very attractive for shiftworkers. They could do a couple of shifts in the London Ambulance Service, spend the next four days touring Europe and come back to Australia afterwards.

At this time we do not think we need to provide that sort of incentive. We are filling those graduations, and I am very pleased with the outcomes regarding the range of backgrounds we are seeing with our new officers coming into ACT Policing.

MR MILLIGAN: Do you have any details on the experience of the different officers we are getting? Is that information available now?

Mr Gentleman: Yes, we can provide some information about some of those officers.

Mr Whowell: The class that graduated at the beginning of last month included a range of different professions. We had a number of people transferring across from Australian Border Force to ACT Policing, we had people from hospitality, we had people from different corrective services, and we were drawing them from around Australia. There were also people who were just finishing a university degree. We had a range of different backgrounds.

Mr Lee: We have had two recent skilled police programs—police moving from other police forces to the AFP. A number of those moved into ACT Policing, including some New South Wales police who were based in the region and who have now moved to ACT police. The recent injection of members into ACT Policing included 10 of those skilled police, out of a total of 26. At present there is another skilled police program of another approximately 25 to 30 members from other jurisdictions who are joining the broader AFP. At some point we will look forward to welcoming some of those members into ACT Policing.

DR PATERSON: Operation TORIC started in 2022. I understand that it has now been aligned with the proactive intervention and diversion team. Is recidivist dangerous driving an issue that is alleviating on our roads? Is it lessening in comparison to what it was in 2022 or is it still a very high priority operation on ACT roads?

Mr Lee: Two areas—road safety and road policing—remain a priority for us, as does reducing recidivism. We have aligned or combined Operation TORIC, as you have outlined, with our proactive intervention and disruption team. The reason for that is twofold. Operation TORIC undertake that enforcement action where we need it to, in terms of those offenders that are offending in the community. We are certainly happy to provide you with some of that detail now, in terms of what we are seeing there with those arrests and some of that recidivism.

Our active intervention and disruption team are looking at longer term intervention strategies in addition to the enforcement action. It is about how we can put longer term intervention strategies in place that will have a longer term downstream effect of, hopefully, trying to divert some of these offenders, particularly young offenders, away from the criminal justice system.

That is the rationale behind that. Certainly, road policing and what we are seeing in terms of overall issues that contribute to our road safety are absolutely a priority for us as we move forward. I will pass to the Acting Deputy Chief Police Officer, who can give you some detail on the activities on Operation TORIC.

Mr Bailey: I might start with a couple of statistics. Between 1 August 2022 and 30 June 2024 there were 492 apprehensions by the team. 190 of those were on bail, 72 were on good behaviour orders and 12 were on intensive correction orders. There was

some excellent work. One of the most important things that that team does, as the CPO alluded to, is engage in the ROMART process, which is the repeat offender management process. If you look at our KPI for SupportLink, we are seeing that engagement through the SupportLink process. We are seeing that engagement through any one of our 22 liaison officers that reach into different parts of education, with CSD providing the support services. It links into things like our contribution to PCYC and the Project 180 program, which gets people into occupational learning and quasi-education, to make sure we are exiting people out of that behaviour and they are becoming more stabilised.

DR PATERSON: Do you believe that the program has been working as a deterrent over the last two years?

Mr Bailey: I believe so, yes.

DR PATERSON: In terms of dangerous driving around our rural roads, in Uriarra, and in Hume and Mitchell, has there been proactive policing around that issue of late?

Mr Bailey: There certainly has. We stood up a specialised traffic-targeting sergeant position within our road policing area. They are gathering intelligence. We rely on the community, especially in those rural, outlying areas. One of the issues we have is displacement, having regard to the more that we target. It is not uncommon to use lookouts et cetera. There has been some work done with our colleagues at TCCS in trying different road services which actually chew up the tyres of these people quite quickly. It does then, of course, displace that issue. But we have had a good bit of success with targeting. I am happy to provide you with some statistics, either now or—

THE CHAIR: Perhaps on notice. We need to move on.

DR PATERSON: In terms of the dangerous driving portal, which people can provide input to, has that been working well?

Mr Lee: Certainly, it has been effective, in terms of people using the online reporting to report instances of dangerous driving. Just as importantly, we have established a mechanism whereby they can upload videos and other material that is useful for police in terms of our response. I will pass to Mr Whowell because we have some specific data about the number of infringements that we have issued.

THE CHAIR: Again, perhaps we could take that on notice. We need to move on. So there are two things that have been taken on notice.

MR BRADDOCK: I am interested in ACT Policing's response to the SAPR review and, in particular, what improvements you have made in your response to victims or complainants coming forward regarding alleged sexual violence or assault.

Mr Lee: From the outset I want to, again, express my regret to the victim-survivors where the Policing response to those complaints of sexual assault did not meet their needs or expectations. From an ACT Policing perspective, we were engaged with the Sexual Assault (Police) Review, including, for the first time in Australia, opening up

our case data, which has not been done anywhere else in the country, and opening ourselves up to that level of scrutiny.

We are working with our ACT government partners in terms of the response to the recommendations of the review for consideration by government. I would highlight that, since the establishment of the review and our engagement with the review team, we have made some significant progress on our systems processes and our training to improve our investigations and our engagement in supporting victim-survivors.

I acknowledge, though, that this is a very complex and challenging crime area. There is certainly more that needs to be done in terms of how we can ensure that our processes continue to evolve.

MR BRADDOCK: Can you articulate what those improvements have been to date and what is still to come?

Mr Lee: Absolutely, Mr Braddock. We certainly have some detail. I will pass to the Acting DCPO, who can run through those improvements that have been made to date.

Mr Bailey: With what we have done in terms of sexual assault, ACT Policing has dedicated a considerable amount of work to strategy—defining the work, defining our response and how we work with partners. We have strengthened the oversight of our sexual investigations area with a dedicated detective inspector. Prior to the release of the SAPR report, we conducted a full internal review. All of those recommendations have been mapped and are being worked across at the moment. We added a criminal investigations management committee, which means that, before any sexual assault is finalised, it must be reviewed by the four inspectors and the superintendent.

We also now have an embedded specialist prosecutor, and our great thanks go to our colleagues at DPP for adding that specialisation and reference point to us. We have added a special sergeant role for continuous learning to deliver training. One of the things that I am most proud of is our reinvigorated course, which covers the entirety of trauma, victim experience, rape myths and investigative techniques. It was developed by Dr Patrick Tidmarsh, who is also developing the UK Metropolitan Police course—world renowned. I am happy to proceed with a little more detail, if you would like.

MR BRADDOCK: How important is adequate funding for the agencies involved, including the DPP and Victim Support here in the ACT, so that the needs of victims can be met, as part of your response to this review?

Mr Lee: With what we are doing with other agencies in the ACT in terms of those recommendations, the recommendations have a whole-of-system impact. As you rightly point out, it is not just around the Policing response. We are engaging with our partners in relation to those recommendations, and the implications for the agencies, including the DPP, and that is part of the advice that we will give to government for decision on that review.

DR PATERSON: When is the response to that review due from government?

Mr Lee: We have provided some material. In terms of the actual timing for government, I might pass to the minister on that.

Mr Gentleman: I will take that on notice and get back to you.

MR BRADDOCK: I am interested in diversionary approaches and what kind of training is given to ACT Policing officers to ensure that these practices are actually being utilised to their full effect.

Mr Lee: I might pass to Mr Whowell on this, in relation to our diversionary pathways that exist at the moment. He can give you an understanding of our performance against those KPIs. A couple of those KPIs were not achieved for this year, in terms of those restorative justice pathways. As you would appreciate, we have other diversionary pathways that are open to us as well, which we are currently utilising. I will pass to Mr Whowell, who can provide you with an overview of that, including some of the mechanisms we have in place with our members.

MR BRADDOCK: I will ask my supplementary question first, to help guide your answer. Recent RoGS and ABS data show that only 10 per cent of Aboriginal and Torres Strait Islander children are diverted by the police, compared to 30 per cent of non-Aboriginal young people. Could you reflect in your answer on why that might be the case and how you intend to address that as an issue.

Mr Lee: We can certainly provide data in terms of First Nations youth, Mr Braddock.

Mr Whowell: We can look at the KPIs, in answering your second question first; maybe we will take the first question on notice, if time is an issue. Our policy is to refer all eligible offenders, including all eligible First Nations offenders, to restorative justice and to work with those government and non-government partners to identify how we can increase diversion and community-based referrals.

In 2023-24, with the performance measures around this, 6.1 and 6.2, the first one is the percentage of eligible young First Nations people referred to restorative justice. Our target is 100 per cent. Unfortunately, we only got to 50 per cent. The same applies to eligible non-First Nations people. Our target was 100 per cent; we got to 94 per cent.

When we look at the cases, when we break down that percentage into the actual numbers of offenders, there were six eligible First Nations offenders, three of which were not referred to restorative justice. There were 35 non-First Nation offenders, two of which were not referred to restorative justice. With the people not referred, it was based on the case officer not considering restorative justice at the time of apprehension or based on their discretion due to either the number or nature of offences committed.

There are probably some resource issues that we need to look at within the system, because the current wait time for a referral is 16 weeks, which was an increase on the previous one. It has been our experience that those long wait times have impacted on the motivation of people who are referred to restorative justice; so we do have a lot of work to do.

Mr Gentleman: Chair, on the government response to the SAPR report, it is due for finalisation in the second half of 2024, but I understand that it is coming to cabinet in the next couple of weeks. It should not be too far away.

THE CHAIR: Thank you. We must move on. If there are any further questions on that, you can put them on notice, Mr Braddock. Mr Milligan?

MR MILLIGAN: Is the government aware of whether any of the people involved in the High Court decisions on the visas that were granted reside in the ACT and are reporting to stations on bail?

Mr Gentleman: That is not a matter that is reported directly to ACT government.

Mr Lee: I can answer that. In terms of the overall national caseload, my understanding is that two of those persons are residing in the ACT. We are working with our broader AFP colleagues, as part of the AFP ourselves, in relation to that overall operation. Those two individuals have not come to the attention of police here in the ACT, as far as I am aware. I am happy to take that on notice, just to confirm that for you.

DR PATERSON: With the recent City Safe Campaign, I saw an article that said there were 25 arrests in the first week. What is going on in the city?

Mr Lee: I might pass to the Acting DCPO, who can provide you with the updated statistics on the outcome of that operation for the past four weeks. I would highlight that we are also in the process of consulting with business leaders in the city, to understand how they now feel about the overall situation in the city and the impact of our police operation. We will use that consultation to inform our ongoing police operation, with the intention that, regardless of that posture, we will certainly be maintaining a high-visibility presence in the city.

Mr Bailey: A number of members were drawn in from around the stations, in addition to our usual territory targeting team. The results that I have, as of yesterday, are 45 arrests, 16 formal cautions, 43 move-on directions, six court attendance notices, and 14 diversions to support services. The statistics analysed so far indicate that that activity is occurring between 8 am and 5 pm, during the day. As the CPO said, in the coming week there will be consultation with business owners, seeking feedback and some sentiment analysis on how they viewed it. I have a meeting with various government agencies involved in the operation next week to do a bit of a review and see how it has been carried out, its effectiveness, where we can learn from it et cetera.

DR PATERSON: You are saying that these arrests and these activities are happening in the daytime as opposed to the night-time?

Mr Bailey: Yes.

DR PATERSON: With the arrests, what are people being arrested for?

Mr Bailey: I will take that on notice and get you a breakdown. I have certainly seen

some examples of offensive behaviour, drug possession et cetera. I will take it on notice.

MR MILLIGAN: There is an increase to the police, fire and emergency services levy. As I understand it, it has gone above the wage price index. It has actually increased more, as a percentage. Why has that been the case, and have you considered actually capping that at WPI?

Mr Gentleman: That is a matter that is discussed at ERC, Mr Milligan, and with the Treasurer, of course. It is not a matter that we have input into as a Policing function. We do have to pay for our police services. I am very pleased with the agreement that we have with the commonwealth to purchase police services. It is a very efficient way of dealing with the justice situation here in the ACT. But it is a matter that is discussed at budget cabinet.

THE CHAIR: On behalf of the committee, I thank our witnesses for your attendance today. For the questions you have taken on notice, please provide your answers to the committee secretary within three business days of receiving the uncorrected proof *Hansard*. We will now move on to our next session.

Appearances:

Gentleman, Mr Mick, Minister for Business, Minister for Fire and Emergency Services, Minister for Industrial Relations and Workplace Safety, Minister for Multicultural Affairs, and Minister for Police and Crime Prevention

Chief Minister, Treasury and Economic Development Directorate
Carmody, Ms Lisa, Deputy Director-General, Office of Industrial Relations and Workforce Strategy, Office of Industrial Relations and Workforce Strategy
Young, Mr Michael, Public Sector Workers Compensation Commissioner and Executive Group Manager, Work Safety Group, Office of Industrial Relations and Workforce Strategy

WorkSafe ACT
Agius, Mrs Jacqueline, Work Health and Safety Commissioner
Grey, Mrs Amanda, Deputy Work Health and Safety Commissioner
Smith, Mr Bill, Executive Branch Manager, Compliance and Enforcement

Long Service Leave Authority
Savage, Ms Tracy, Chief Executive Officer and Registrar

THE CHAIR: Mr Mick Gentleman MLA is now appearing in his capacity as the Minister for Industrial Relations and Workplace Safety, and we welcome the officials who have joined us. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Please confirm that you understand the implications of the privilege statement and that you agree to comply with it.

Mr Smith: I have read the privilege statement.

Mrs Grey: I have read and understand the privilege statement.

Mrs Agius: I have read and understand the privilege statement.

Ms Carmody: I have read and understand the privilege statement.

Mr Young: I acknowledge and will comply with the privilege statement.

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

THE CHAIR: Thank you. If you are taking a question on notice, please say, "I will take that question on notice." I am going to start with a question about the WorkSafe commission. Who oversights the WorkSafe commission? For example, if there are internal complaints from employees about something, who do they go to? The Integrity Commission has the ombudsman that its staff can go to. Who is it for the WorkSafe commission?

Mr Gentleman: It is the Work Health and Safety Council. They are a separate body.

WorkSafe itself is a separate entity to the ACT government; so the council oversees and provides support and also any information for WorkSafe ACT.

THE CHAIR: Great. There was an article in the *Riotact* recently under the headline "Toxic WorkSafe threatens staff with dismissal for 'gossiping', an employee says". Commissioner, are you aware of this article?

Mrs Agius: Yes, I am.

THE CHAIR: The article seems to be based on former employees and the CPSU making a number of accusations about the organisation. One is the abuse of preliminary assessments to silence and hound problem staff out of the organisation. Could you tell the committee how many preliminary assessments have been initiated each year within WorkSafe since the organisation began?

Mrs Agius: I will need to take that on notice.

THE CHAIR: Thank you. Do you have any information on preliminary assessments that you can provide now while we wait for those answers to come back? Do you have any general information or more recent information?

Mrs Agius: Yes; I can provide you with some information about our complaints process and how that works. We have an internal complaints process. Internal complaints are taken very seriously at WorkSafe ACT. We have established procedures to ensure fairness and impartiality when dealing with complaints made by staff. WorkSafe ACT complaints processes were subject to an internal audit, completed by Bellchambers in 2023 and 2024. That was off the back of concerns being raised that we were not managing complaints—and we had an audit conducted into that. The audit report has been finalised, and the audit report no major issues in relation to our complaints handling and processes.

As part of the ACT Public Sector, all whole-of-government policies and procedures apply to WorkSafe ACT employees and, of course, all employees must comply with the values and signatures behaviours prescribed by the PSM Act and the code of conduct. Our staff and inspectors at WorkSafe are amazing. They have some powers that are delegated by me and, because of those powers, the standards of behaviour for an inspector are quite high and the integrity needs to be really high. So we must take complaints really seriously, and we act on all complaints that we receive in relation to other staff.

There are a number of disciplinary actions that can be taken according to the code of conduct and the enterprise agreement: written reprimand, transfers to duty, reallocation of duties away from public employees, a form of financial penalty, temporary or permanent reduction in incremental point or classification, or termination of employment. They apply to all ACT government employees. WorkSafe ACT has specific guidance to support our employees and managers to navigate and understand this conduct processes. The EA is very specific around who should be conducting those processes. It is the supervisor of the employee who conducts the preliminary assessment.

In relation to preliminary assessments, when I first began at WorkSafe ACT, I spoke with an employee about a matter that had arisen, and there was an allegation that I had not given that employee the opportunity to have a support person with them during that discussion. Our decision at that time was to ensure that we complied with the enterprise agreement and that any complaint we received would be dealt with through a preliminary assessment, because that is the process in the enterprise agreement. It allows for procedural fairness and allows for formal letters to be sent to the employee and then the process is run.

A preliminary assessment is an assessment. I think that it is really important to make that distinction. A preliminary assessment is not a disciplinary action; it is an assessment to determine whether there may have been misconduct. It is not an assessment to make a decision. If the decision-maker for the preliminary assessment is suspicious around what occurred, they have the opportunity to send that preliminary assessment to the professional standards unit.

THE CHAIR: If I could stop you there, sorry, just in the interests of time. You said you would take the preliminary assessment question on notice.

Mrs Agius: Yes.

THE CHAIR: Of those, could you tell me how many were substantiated and how many resulted in what types of the actions that you talked about—written reprimand, transfer, financial penalty et cetera? How many of those resulted in any of those outcomes? Are you able to provide staff turnover rates?

Mrs Agius: Yes; I can tell you that now. Our retention rates are lower than the overall ACT government. Our retention rates are 16.1; whereas, the overall ACT government retention rates are about 18.

THE CHAIR: Great. Thank you. Do you have the number of claims each year for bullying and harassment—perhaps over the past five years?

Mrs Agius: Sorry; could I clarify: do you mean complaints from our staff?

THE CHAIR: Yes.

Mrs Agius: We will take that on notice.

THE CHAIR: Thank you.

MS ORR: Commissioner, on the topic of the preliminary assessments, if you were not undertaking the preliminary assessments, what would be the impact on staff management and doing your due diligence around concerns?

Mrs Agius: We would not have any. The process of a preliminary assessment is precisely to ensure that we have a formal process where there is due diligence.

MS ORR: So, when you say that you would not have any, you would not be progressing to doing any scrutiny of any concerns that might be raised?

Mrs Agius: There would be no process available to us to deal with complaints from either staff members or externals. We also receive complaints from PCBUs or people that we issue notices to. In fact, I note that Bill managed one of those just this week. If we receive a complaint, the only way that we can assess whether there is any veracity to that complaint is through the preliminary assessment process.

MS ORR: On the topic of the staff retention, the figures indicated it was a little bit lower than the overall average within the ACT public service. Have you had a look at that and identified any of the reasons why? What have done to potentially address those?

Mrs Agius: Why it is lower?

MS ORR: Yes.

Mr Smith: On that point, I think the commissioner said retention is actually turnover.

Mrs Agius: I beg your pardon; sorry.

Mr Smith: Our turnover rate is lower than the ACT—

MS ORR: Is it?

Mrs Agius: Yes; I beg your pardon. Yes, it is lower.

MS ORR: That is okay. So are there any tips you can give to the rest of the public service then!

MR COCKS: Commissioner, I have been following these stories across multiple news organisations for some time. Have you ever shouted at staff, used intimidatory language or threatened staff with dismissal for discussing workplace issues?

Mrs Agius: No.

MR COCKS: So, on these allegations then, are you saying that those employees are lying to *Riotact*?

Mrs Agius: Everybody has a different perception of how things occur. On the discussion around gossip in the office, I would make the point that I take gossiping in the office seriously. It is something that we should not have in any ACT government agency.

That happened at a staff meeting—it may have been about six months ago. We had a complaint from a staff member, and I am just going to sort of briefly tell you the story. Staff member A told staff member B something about staff member C that was not correct. Staff member B told staff member C about that conversation and staff member C complained about it. It was a health and safety risk to staff member C. So we needed to put a risk assessment in place and manage that risk to staff member C. Throughout looking into that, it was alleged that there was a bit of gossiping

happening in the office.

MR COCKS: Mrs Agius, I am most interested in your behaviour at this stage, rather than the allegations of—

Mrs Agius: I am just explaining why I addressed it at a staff meeting. At the staff meeting, I addressed gossiping in the office and reminded everybody that they need to be careful about who they speak to and when they speak to people, because it could pose a health and safety risk to somebody if they told them something that that they should not know and not to spread rumours. That was the discussion at the staff meeting. I reminded everybody that they are subject to the code of conduct and the section on misconduct in the enterprise agreement, which includes all of the things that I have just told you about. That is what I said at the meeting. It includes anything from no action, a written reprimand, transfer of other duties, right through to termination of employment.

MS ORR: I want to have a chat about the notifiable incidents and get an idea of the nature of what has been reported, how many and how that is flowing through to investigations.

Mrs Agius: Overall notifiables?

MS ORR: I am particularly interested in the sexual assault and sexual harassment provisions that are there.

Mrs Agius: The newer ones?

MS ORR: Yes, because they are new, I want to get an idea of how we are starting to see them applied in practice.

Mrs Agius: In relation to sexual assaults, the legislation changed on 9 June 2023. Between 9 June 2023 and 30 June 2024, there were 79 notifications. For failure to notify the regulator, we issued five infringement notices and five improvement notices. We understand that these figures are underreported. We have close to 270,000 workers in the ACT, and we know that, in 2016, 900 women reported allegations of sexual assault. We look at surveys that are put out by organisations like the YWCA, who collect data on how many people are failing to report sexual assaults in their workplace. It is really hard to determine what the figures should be, but, if we consider that 900 reports were made from a population of around 450,000, we would be expecting to see significantly more than 79 notifications of sexual assaults.

MS ORR: Of the 79 notifications, how many of those went to investigation?

Mrs Agius: None of them, and there is a reason for that. I have recently made some recommendations to the Work Safety Council around changes to the legislation. If you are a complainant in relation to sexual assault under the Crimes Act, family protection matters or domestic violence protection matters, you have a right to not be identified when you appear as a witness in court. Under the Work Health and Safety Act, there is no right to not be identified as a complainant. The reason is that we are prosecuting the PCBU; we are not prosecuting a criminal offence in relation to the

sexual assault. So what we are prosecuting the PCBU for is a failure of their systems to minimise the risk of sexual assault.

Recently two union delegates and their employee reported to our organisation about an alleged sexual assault in a workplace. She came to us on behalf of herself and five other women. One of her questions was, "Am I protected?" Once I looked at it and did some research, I determined that, while the Evidence (Miscellaneous Provisions) Act protects people under the Crimes Act and other protection orders, there is no protection for anyone under the WHS Act. So that group of women determined not to proceed with their complaints.

MS ORR: On the recommendation that you recently put forward, I think you said that you put it to the council.

Mrs Agius: Yes; I wrote an email to the chair of the council.

MS ORR: And that was to put in place privacy?

Mrs Agius: For them.

MS ORR: So they do not have to be outed.

Mrs Agius: So that they are not identified, yes.

MS ORR: So that victims of sexual harassment in the workplace are not identified.

Mrs Agius: Sexual assault.

MS ORR: Sexual assault, yes.

Mrs Agius : Sorry, can I just add to that. The council took that very seriously. They had an extraordinary meeting, recommendations were made and there is work being undertaken at the moment to amend that legislation.

Mrs Grey: I would add that the reason that those 79 complaints do not lead to investigations is because we do not receive that information. The information from the PCBU is merely that there is an allegation of a sexual assault or an actual incident of sexual assault and the industry that it took place in—so no identifying information at all. Essentially, the change was made to be able to identify trends within particular industries to target our work. So it does not provide sufficient information to enable us to move forward. The reason we have been able to have the infringement notices for failure to notify is because we have received a complaint from a person who has been the victim of an alleged sexual assault.

MS ORR: In the course of that complaint.

Mrs Agius: That is the only way we can tie them together. So they say it happened, and it was not notified to us.

MS ORR: This is quite a new mechanism and my understanding is it is something

that is a bit unique for the ACT.

Mrs Agius: There is no other jurisdiction. Western Australia do have similar legislation but only in relation to mining.

MS ORR: Is it fair to say, then, that the first 12 months of having this mechanism has led to a lot of learnings on how to improve it that you would not necessarily—

Mrs Agius: Yes, absolutely. I had a meeting with the rest of the regulators around the country. They are very interested in how we are going and what the statistics are. Marie Boland, the CEO of Safe Work Australia, was also there. I mentioned that we had found this anomaly, and they are all very interested and wanting to know more about that because they are also looking at bringing this in. It will mean that they will be able to ensure that they have covered off protection for complainants.

MS ORR: You have identified this particular issue, and it seems like there are some other learnings that have come from this. Is there any intention to do a bit of a broader review on how that mechanism is working, given that it is the first of its kind and there is no precedent that you can look to elsewhere, and it is such an important, I would argue, area of reform?

Mr Young: There is significant work going on at the national level via the Safe Work Australia process to consider the definitions of what constitutes a notifiable incident. The notifiable incident legislation is a nationally harmonised piece of legislation. There are template laws in place. The ACT government took the view to march ahead of those changes and ensure that there is a mechanism in place that focuses on allegations of sexual assault. The intent was not to step into the space that is occupied by policing. They are frequently criminal matters and those investigations should proceed. The change that was made in terms of the ACT sexual assault notification provision was to allow the WHS regulator to become aware of workplaces, engage with those workplaces and ensure that there are appropriate systems in place within those workplaces to guard against those risks.

The work that is going on at the national level extends that and it is considering whether the notifiable provisions that are in place in those template laws adequately address, amongst other things, risks to psychosocial safety. It was the finding of a review in 2018 that the notifiable provisions did not adequately cover psychosocial risks. The likely expansion that is being considered is particularly focused on serious psychosocial hazards. Safe Work Australia has completed that work. A series of recommendations have been made. They are in the process of seeking the views of national WHS ministers, and, on receipt of a two-thirds majority of those ministers, the template laws will be changed and the requirement of the intergovernmental agreement in place for harmonising those laws would then require the ACT to—

MS ORR: I have a final question.

THE CHAIR: We need to move on. Miss Nuttall.

MISS NUTTALL: We have seen a number of updates to the commonwealth work act recently. I am particularly interested in the right to disconnect, but also, more broadly,

whether anything has come up. With that in mind, do you have a work program for any consequential amendments to ACT law that might be required?

Mr Gentleman: Mr Young could give you an update.

Mr Young: Although the debate on the right to disconnect is happening on the fair work regime, there are definitely some overflows into the workplace health and safety space. In the area of psychosocial risks—that is, risks to mental health, risks to fatigue, and concerns of that nature—there is a very obvious connection. There is an obligation on employers to consider all risks that might affect their workers, including risks of fatigue, risks of bullying and harassment, and risks of other psychosocial hazards, and to respond to those. I think it would be in that space particularly. The evolution of the fair work regime should inform employers about how they manage those risks. I think there are opportunities arising from fair work and WHS risk management to integrate those workplace conditions.

MISS NUTTALL: Thank you. There are no follow-ups from me.

THE CHAIR: Mr Braddock, do you have a substantive question?

MR BRADDOCK: I do. I have had correspondence about Southwell Park in Lyneham, which is apparently an asbestos-contaminated site that is undergoing some earthworks at the moment. Can you advise us what you know about this site and the earthworks and what is being done to handle the fact that there is potential asbestos contamination there?

Mr Smith: Certainly. WorkSafe ACT was notified through a constituent of their concerns with regard to that location. WorkSafe ACT inspectors attended the site. We have done all the appropriate inspections and believe that the work is all right to continue.

MR BRADDOCK: How did you come to the conclusion that it was all right to continue?

Mr Smith: We looked at the safety processes and procedures that they had in place—the risk assessment and risk mitigation processes that were in place for that site—and determined that the work could continue.

MR BRADDOCK: Fair enough. Thank you.

THE CHAIR: That was surprisingly quick! Mr Cocks.

MR COCKS: Thank you. Commissioner, in 2022 estimates, in our first conversation we asked about the involvement of third parties and unions in work-safe processes, and you said that you had monthly meetings with the CFMEU. Is that still the case?

Mrs Agius: I have monthly meetings with the chair of the Work Health and Safety Council. I have always done that. I have always had monthly meetings with the chair of the Work Health and Safety Council, and that is currently Michael Hiscox from the CFMEU.

MR COCKS: Do you have, or have you ever had, any membership affiliation or any kind of relationship with the CFMEU?

Mrs Agius: No.

MR COCKS: Minister, did the CFMEU have any role or provide any input to the appointment of Mrs Agius as the Work Health and Safety Commissioner?

Mr Gentleman: No; not that I recall.

MR COCKS: Not that you recall?

Ms Grey: I can answer that question. I scribed on that process. The panel for that process included the chair of the Work Health and Safety Council, who was Jason O'Mara. Ashlee Berry, who was from the Master Builders Association, represented employers. And the third person was Claire Noone from Nous, who conducted the independent review of WorkSafe ACT in 2018.

MR COCKS: Commissioner, are the meetings that you mentioned just now separate or different to what you were referring to in 2022 around monthly meetings with the CFMEU?

Mrs Agius: Yes. I have monthly meetings with the HIA, I have monthly meetings with the MBA, and I was having monthly meetings with the CFMEU because they are our main stakeholders in the construction industry. They all have an interest in safety. The 2022 meetings with the CFMEU were in relation to, in the same way that I was meeting with the MBA and the HIA, current safety risks—not on specific sites but in relation to overall safety risks that they might be seeing. This was with the MBA and HIA as well. We are currently seeing—

MR COCKS: In the interest of time, are those meetings still continuing?

Mrs Agius: The only meetings that continue are the ones with the chair of the WHSC—

MR COCKS: So you have not had any other meetings with the CFMEU?

Mrs Agius: No.

MR COCKS: Thank you. Have you suspended all engagements with the CFMEU in light of the major allegations around corruption in that—

Mr Gentleman: There are no allegations regarding the ACT branch of the CFMEU, Mr Cocks.

MR COCKS: Minister, are you concerned that the approach that was taken in 2022, and over the time of engaging directly with the CFMEU through WorkSafe, may have opened the door for potential corruption to arise in that sector?

Mr Gentleman: No; there is no evidence to support that claim, Mr Cocks. The CFMEU has a representative of their employees in the ACT and they provide advice to the council, and indeed to WorkSafe when needed.

MR COCKS: Minister, are you a member or an affiliate member of the CFMEU?

Mr Gentleman: No, Mr Cocks. I have been a member of the union since 1973, though.

MR COCKS: Do you have any relationship with the CFMEU?

Mr Gentleman: No.

MR COCKS: Thank you. Mrs Agius, what did you discuss during those monthly meetings and conversations with CFMEU officials, and were they minuted?

Mrs Agius: In 2022?

MR COCKS: Yes, and until you discontinued those meetings.

Mrs Agius: I would have taken notes during those meetings. Generally, we discussed the policy positions of the council, in the sense that, for instance, there might be a code of practice going through the council. The CFMEU may have a position and I may have a different position. There have been times when we have been opposed. We were opposed, in fact, in relation to the extreme heat code of practice, because the position of my agency in relation to that was that we should not have cut-offs, and the CFMEU's position was that we should. There would be meetings where I would put forward our view and they would put forward their view on things. We would discuss general safety complaints that they might have. It could be that we were seeing fatigue occurring close to Christmas and that we were concerned, particularly about fatigue of crane drivers. They are the same discussions that I have with the MBA and the HIA.

Mr Gentleman: Or, indeed, the breakfast that we had the other day with Mr Cocks.

MR COCKS: At any time in any of those conversations, did the CFMEU ever raise, or did you discuss, particular sites or developers and that their members had discussed unsafe practices with them?

Mrs Agius: No.

MR COCKS: Going to that specifically, just to clarify, there was no mention at any time of any particular concerns?

Mrs Agius: I would need to go back to all my notes. But can I just say that there are meetings that the CFMEU have with other people in our agency. My meetings were policy meetings—general safety issues and policy discussions.

Mr Young: To the question of union officials flagging concerns with specific workplaces, I think it is important to note that, under the WHS Act, unions have a legislated role and are able to be empowered to enter work sites to conduct

preliminary investigations into WHS practices. I would expect that, as a matter of course where officials operate in that capacity and identify issues, they would routinely call in the WHS regulator via those established channels to seek a response from the regulator.

Mrs Agius: It does not usually happen with me, though. It would be Bill or Matt Davis, who is the senior director of compliance and enforcement. I would not normally be involved in discussions around a particular safety issue. But, under the WHS Act, unions have significant powers and they are a stakeholder because they represent workers.

THE CHAIR: Ms Orr has a supplementary.

MS ORR: Commissioner, I want to get an idea from you on the requirement of your role—in executing the responsibilities of it—to actually engage with the right range of stakeholders. And I want to get a sense from you—and we have focused a lot on the CFMU—as to whether that is unusual in the context of the range of people you would engage with in meeting your responsibilities.

Mrs Agius: There is a requirement. The powers and obligations under the WHS Act require me to engage with stakeholders. Every regulator has those requirements. Every regulator has stakeholder meetings with unions and stakeholder meetings with industry. It is really common. I also have stakeholder meetings with other unions. In fact, I have just had a series of stakeholder meetings with other unions. I have meetings with the Canberra Business Chamber. I recently had a meeting there. I have meetings with ClubsACT. An important part of my role is engagement. Of course, we want everyone to engage with us, because the more engagement we have, not just with me but also with my entire organisation, the better the safety outcomes we can achieve. So engagement is incredibly important.

THE CHAIR: We will move on. I will ask a question that follows along the same line. The 10 July *Riotact* article had some serious allegations. I will read from the article. It said:

> There were also allegations that Prohibition Notices were not followed up as lawfully required, leaving workplaces shut down, with complaints to management going nowhere.
>
> The other former staff member … said that during the blitz on construction sites, the pressure was on to accumulate as many Prohibition and Improvement Notices as possible to present an image of activism in the media.
>
> Staff were pulled from all areas of the office in order to inspect sites and write as many notices as possible, despite many being unqualified and untrained …

I can see from your accountability indicators that you did not meet all your time frames for prohibition notices through a major investigation. It might seem that that backs up the allegations in the *Riotact* article. How do you respond to these claims?

Mrs Agius: Prohibition notices are not related to investigations. They are very different things. I do not even know when this is referring to. It is very difficult for me

to provide any sort of response, because I am not sure of the timing of the allegation. Can I make very clear that these are unsubstantiated allegations and, because of a court matter, there is no procedural fairness or right of reply for my agency.

I am really proud of WorkSafe ACT. I give a shout-out to the officers who are listening. They are amazing workers. They are phenomenal. They work very hard to keep Canberrans safe. We have nurses, we have teachers, we have engineers, we have people who have worked in property development, we have scaffolders, and we have roof plumbers. The level of expertise in the agency is phenomenal.

In relation to the blitzes, very clearly you will see we have had the Residential Construction Strategy in place since 2020. That Residential Construction Strategy is the strategy that drives our work in the residential construction industry. The work was in response—and it is still ongoing—to two fatalities that occurred in February 2020, before my time. When I started, we implemented our Residential Construction Strategy. Part of the Residential Construction Strategy is what other people call blitzes. We do not often refer to them as blitzes; we refer to them as workplace visits. All our organisation's inspectors band together—and there was a lot of media around this, so you can see the media—and go to construction sites in a particular area of new development and conduct workplace visits.

Mr Gentleman: I think I went on one.

Mrs Agius: Yes; you did. You came on one, Minister.

THE CHAIR: And you were untrained!

Mrs Agius: The minister did not enter a site.

Ms Grey: Could I just make a point in response to the article. No person who is not appropriately trained has ever issued a notice at WorkSafe ACT. We have a rigorous induction program that trains everyone on how to be an inspector. When their training is complete, competencies are assessed by the senior director in the compliance and enforcement area. Once they are satisfied that the competencies have been met, then the application for the issuing of the delegation and the inspector card—and the only way you can actually issue a notice is when you have an inspector card—comes to the commissioner to sign off. The commissioner only signs off on the inspector card once she is satisfied that those competencies have been met. So that article is untrue.

There is a facility under the act that someone can assist an inspector on an inspection. The minister was not there in that capacity. We have junior staff who are inspectors but have not necessarily gone through the training. They can assist, so they may be onsite and taking notes. They are there to corroborate discussions, for example, and they can assist with walking around the site. We have also sworn in police officers. When ACT Policing assist us on investigating a fatality or a serious injury, they become assistant inspectors under the Work Health and Safety Act. They can exercise some powers under the act. But the article is untrue. We are incredibly rigorous.

Mrs Agius: Adding to the training component—and we do not know when the article is referring to—when I came into the agency, the training was ad hoc. There was no

induction for anyone. There was no oversight of training. Everything was locally managed. And there was no oversight of how the budget for training was exercised. We have implemented a training team that oversees all the training that occurs in our organisation. I know that notes are FOI'd, and you will see the details of our training when you see the documents from today.

I can tell you that the combined total cost for training in 2023 was $204,868.63. Everyone in our organisation who enters a construction site is trained in silica training, asbestos training and white card training. We do de-escalation training, vicarious trauma training, respect at work training and privacy training. The list of training that we do is extensive.

THE CHAIR: Thank you. With respect to that article, it seems you have looked at it and decided it is untrue, but you have not more formally investigated the allegations or referred them to some other area, such as the Public Sector Standards Commissioner.

Mr Young: Could I add something. On the question of prohibition notices, those are legislated to provide a response to demonstrated cases of serious and imminent risk to injury or life. It is a fact that the ACT's rate of serious injury, particularly in the construction industry, is above average. It is the sector with the highest rate in the ACT, so I would expect that, as a risk based regulator, we should expect to see prohibition and other notices issued proportionate—

THE CHAIR: That is not my question, though.

Mr Young: I am sorry—I am coming to it. The WHS Council, which, as the minister explained, has monitoring of the WHS Commissioner's performance within its functions, receives quarterly reports on, amongst other things, the number of notices issued, and employer representatives appointed to that body are able to query.

THE CHAIR: That is still not my question, and we are nearly out of time. Are you going to answer the question?

Mr Young: I was going to add that, where an employer receives a notice, they have a right of appeal, and there are mechanisms in place to ensure that those notices are properly issued.

Mr Smith: On the matter of prohibition notices, we have set accountability indicators which we report on in the budget. You referenced those. For the ones that you see for this year, there will be an amendment to how those accountability indicators are reported for prohibition notices. We have set ourselves a target to respond to prohibition notices within 14 days. Also, going to your point on the article, there is no set number of improvement notices, prohibition notices or infringement notices that staff are directed to—

THE CHAIR: We will have to leave it there. My question was about whether you were you investigating that *Riotact* article, but we are out of time. On behalf of the committee, I would like to thank witnesses for their attendance today. If you have taken any questions on notice, please provide your answers to the committee secretary

within three business days of receiving the uncorrected proof *Hansard*.

Hearing suspended from 10.46 to 11 am.

Appearances:

Stephen-Smith, Ms Rachel, Minister for Health, Minister for Children, Youth and Family Services, Minister for Disability and Minister for Aboriginal and Torres Strait Islander Affairs

Community Services Directorate
Rule, Ms Catherine, Director-General
Wood, Ms Jo, Deputy Director-General, Children, Youth and Families; and Strategic Reform
Lapic, Ms Silvia, Acting Executive Group Manager, Children, Youth and Families Division
Brendas, Ms Tina, Acting Executive Group Manager, Children, Youth and Families Division
Saballa, Ms Melanie, Executive Branch Manager, Next Steps, Children, Youth and Families Division
Evans, Ms Jacinta, Executive Group Manager, Strategic Policy
Barker, Dr Justin, Chair, Therapeutic Support Panel
Simpson, Mr Chris, Executive Branch Manager, Aboriginal Service Development
Summerrell, Ms Jessica, Executive Branch Manager, Support Services for Children
Moyle, Mr Brendan, Executive Branch Manager, Office for Aboriginal and Torres Strait Islander Affairs

THE CHAIR: We welcome Ms Rachel Stephen-Smith, Minister for Children, Youth and Family Services, and officials. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Could you please confirm that you understand the implications of the privilege statement and that you agree to comply with it.

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

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

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

THE CHAIR: Thank you. If you are taking a question on notice, please state: "I will take that question on notice." We will start with questions from Ms Orr.

MS ORR: Minister, the budget includes $1.75 million over four years to support the delivery of an external merits review process for child protection decisions. Can you explain a little bit more about what types of decisions will be subject to external merits review and how this scheme will support the best interests of children and the rights of their families and carers?

Ms Stephen-Smith: Yes. Thank you, Ms Orr. This supports the legislation that just recently passed the Legislative Assembly to establish the external merits review process, which will come into effect next year. I will hand over to Ms Evans to say more about it.

Ms Evans: Thank you for the question, Ms Orr. I have read and acknowledge the privilege statement. As the minister has already said, the external review part of the act will come into effect from next year. The reason is that there is, in that stage of legislative reform, a fair bit of work to be done to set us up for the decisions around the external merits. It will be run through the ACAT, as a mechanism for considering any decisions, and the two years are for implementation of that mechanism through ACAT.

MS ORR: What decisions will actually be subject to review?

Ms Evans: I might have to come back to you on that, if that is all right. I do not have it right in front of me. I would hate to misinform you. I will come back on that.

MS ORR: That is all right. Can I just keep going, Chair, and then if we need to come back we can?

THE CHAIR: Yes.

MS ORR: My question was: what decisions will be subject to external review and how will the interests of children and the rights of their families and carers be considered? Can I add to that. I know you said ACAT will essentially be the forum that does the review. I think you said two years to get it running. Can I get an idea of the start time and when we will start to see decisions being referred?

Ms Stephen-Smith: The commencement date for that element of the act is 1 July 2025. The funding, as Ms Evans has indicated, is for a business analyst and legal support for ACAT, for an initial six-month period before 1 July 2025, to support the implementation. Then there are operational costs for the 2025-26 year, including $288,000 for a tribunal member and registry staff at ACAT, and $225,000 for ACT Legal Aid to ensure—and this goes, I think, to your point—representation for children and young people, as mandated by the bill. Children and young people will have their own representation in the process.

That will be an opportunity to consider future operational costs, because we will then have some kind of evidence base. Based on other jurisdictions' experience, it is likely that there will be a pretty small number of matters that will go through to external decision review. I should say that the funding is provisioned in future years for that operation, so a proactive decision will need to be made about how much is actually allocated to ACAT and Legal Aid, but that is provisioned in the third and fourth year of this budget forward estimates. The experience in other jurisdictions is that it is quite a small number of decisions. Part of the benefit of it is that having an external merits review also helps to drive better internal decision-making processes. We will take the questions on notice that you have asked.

MS ORR: You made the comment there about how it will drive better internal review decisions. Can you elaborate on how that will come about?

Ms Stephen-Smith: I think partly the fact that your internal decision-making can be referred for external merits review puts more emphasis on it. One of the reasons that it

has taken a while to get to this point is that we have wanted to do a full suite of reform of decision-making oversight and internal decision review as well. I am not sure who is the best to speak to this. Ms Lapic can speak to what is being done to ensure that that stage of the process is in place.

Ms Lapic: Yes. In terms of our internal review of the decision process, we did undertake a pilot and look at how we ensure that. I guess it is in two parts. The decision-making that is undertaken with our teams in child protection is able to be restorative and thinking through the process itself. The type of pilot that we undertook was really looking at the internal review of decisions. We have a two-stage process. There is an initial review undertaken. If that is not suitable, it can then go to a senior officer review. I have some data here to share with you on our initial findings. We had 12 eligible internal review decisions undertaken, and a number of key decisions were reviewed. They included international travel, after care support, placement decisions, contact decisions and restoration decisions. That gives you a sense of the types of decisions that can be reviewed internally.

MS ORR: But the internal review is an ongoing process; right? That is not new.

Ms Lapic: That has been in place for approximately two years, I believe.

MS ORR: So you have the internal review. I appreciate, Ms Lapic, that you have said there is a lot of work on how to continually improve that. It sounds like you are working on it. Then the next step after the internal reviews is that external review. If I can, when Ms Evans is ready, get an idea of what decisions can be put to the external review, given that it is a new mechanism and one that I think it is fair to say there is a lot of interest in, I would appreciate that. Otherwise, I am good, Chair. Thank you.

Ms Stephen-Smith: We can get back to you with that.

Ms Evans: I will be with you shortly.

THE CHAIR: She is not quite ready to give you that.

MS ORR: Just when you are ready.

Ms Evans: Apologies, Chair. We will come back, if it is all right, with that information.

MISS NUTTALL: The 2023-24 budget included funding for one year—I think it was $200,000—to co-design and deliver a throughcare program to fill existing gaps in youth justice support and identify the most effective approaches to achieving positive outcomes for young people in the justice system. Can you please provide an update on what work has occurred to progress this project?

Ms Evans: Thank you, Miss Nuttall. This time I have the information in front of me. This project has been a really great opportunity to connect with our community partners to understand what the needs are around youth throughcare. We have engaged with EY Future Friendly, who are a consultancy group, and Curijo, who are an Aboriginal and Torres Strait Islander organisation, to facilitate this work and to

look at a draft model for youth throughcare.

They engaged with more than 40 stakeholders across government, the community sector, and young people with a lived experience of youth throughcare. What we heard in those sessions, through those co-design processes, was the challenges that are faced by young people. It included a session with young people at that time detained at Bimberi, as well as individual sessions with young people who had had a period of detention. We also had very specific sessions for First Nations young people and community-controlled organisations. It was really important to have a sensitive approach to that consultation, so it was useful to use the consultant in that way. They could have those conversations and people felt safe to have genuine views and positions on things.

Where we are at now is that they have completed that work and developed a model for the government to consider. That has not yet been considered by the minister; it is with the directorate, for us to consider, in the first instance. I can say that what they provided us with is a listening report that tells us about what information was gathered. That listening report will also feed into our preparation of a youth justice strategy or whatever the next government chooses to do in that space. There is a lot of really rich information in the listening report and also some suggestions and options around models for throughcare, which will also be the subject of the incoming government's considerations.

MISS NUTTALL: Will that listening report be publicly available?

Ms Evans: It will be in due course, yes.

MISS NUTTALL: Is it something we can put a time frame on?

Ms Evans: I would suggest that it will be subject to the incoming government's consideration.

MISS NUTTALL: Which is probably next term. In the meantime, do you think there is adequate resourcing provisioned to the people working on this to progress this and bring this to the minister to continue the work and work through that model?

Ms Evans: Yes. I think, Miss Nuttall, we are in a really comfortable position in terms of having that listening report and the proposed options. Again, it will be for a minister to determine whether those options are something they wish to pursue.

MISS NUTTALL: That answers my question. Thank you.

Ms Stephen-Smith: Can I go back to Ms Orr's question, Chair. The internally reviewable decisions are a regulation under the act. Schedule 1 to the bill that passed the Assembly in July sets those out. Decisions include a decision in relation to a support service to be given to a parent of a child or young person where there is a short-term parental responsibility provision; a person to have contact with a child or young person; a person not to have contact with a child or young person; and the placement of conditions on a person's contact with a child or young person in relation to frequency or duration of contact.

Decisions also include any direction given in relation to a drug use provision in relation to giving directions about undergoing drug testing; placement of a child or young person where a residence provision is for the director-general to decide where or with whom a young person must live; placement of a child or young person under the daily care and responsibilities section of the act; any decision in relation to supervision; decisions about support for a child or young person in relation to their culture where there is a parental responsibility provision sitting with the director-general; decisions in relation to a child or a young person's education where the director-general has parental responsibility; decisions in relation to a child or young person's health where the director-general has responsibility; or, similarly, their religion in relation to the director-general having parental responsibility.

Further decisions include, for Aboriginal and Torres Strait Islander cultural plans, any proposal about the preservation or enhancement of identity of a child or young person in relation to parental responsibility in relation to an Aboriginal or Torres Strait Islander cultural plan, and also decisions in relation to implementation of that plan and decisions about the placement of an Aboriginal or Torres Strait Islander child or young person with a cultural plan.

Decisions also include refusal to provide assistance to a child or young person; refusal to provide assistance to a child, young person or young adult in relation to the new extended care arrangements; and, in that same context, refusal to provide financial assistance to a child, young person or young adult and refusal to provide financial assistance to a previous out of home carer or young adult.

I note that these decisions are additional to the existing provisions in the act that enable someone to go to ACAT around being confirmed as a carer or otherwise—I cannot remember the exact terminology—and being accepted or rejected as a carer.

MS ORR: Ms Evans has still got to come back with the external one

Ms Stephen-Smith: That was it.

MS ORR: Sorry; I thought you said internal.

Ms Stephen-Smith: No, no; that is the external.

MS ORR: Great. Thank you. That clarifies my question.

Ms Stephen-Smith: It is in the regulation that is attached to the act that passed in the Assembly.

MS CASTLEY: Minister, I have some questions about the Aboriginal and Torres Strait Islander Children and Young People Commissioner. I understand that—

Ms Stephen-Smith: Ms Castley, before you go on, I do not have portfolio responsibility for the Aboriginal and Torres Strait Islander Children and Young People Commissioner. That sits with the Minister for Human Rights and the Justice and Community Safety Directorate.

MS CASTLEY: Thank you. I will ask about child and family centre funding. The total cost of the child and family centres has increased from $7.9 million in 2023-24 to $8.5 million for this financial year, almost $300,000 ahead of inflation. Can you break down how this additional funding will be spent?

Ms Stephen-Smith: I am sure that Ms Summerrell can do that.

Ms Summerrell: Thank you. The increase in—

THE CHAIR: Could you acknowledge the privilege statement.

Ms Summerrell: Yes; my apologies. I have read and acknowledge the privilege statement. The increase in funding will support the child and family centres to continue to deliver the services that they deliver to support early intervention and provide support for families and children across the ACT. The centres, located in Gungahlin, west Belconnen and Tuggeranong, continue to provide a range of both parenting support services and complex case management to families.

It also will support the ongoing integration that we have through the partnership program we have with Education, where we have an embedded social worker or child and family worker in schools across the ACT. It will continue to support the delivery of those services. We also provide a range of specific Aboriginal and Torres Strait Islander programs for our First Nations community, to support a sense of community and belonging and provide parenting support.

MS CASTLEY: The strategic indicator in budget statements G sets out 9,500 as the target, all the way up through to 2027-28.

Ms Summerrell: That is right.

MS CASTLEY: Is that just because we do not expect the cases to grow, even though our population is growing? I am wondering why we are estimating that it will remain at 9,500.

Ms Summerrell: Minister, are you happy for me to answer?

Ms Stephen-Smith: Yes.

Ms Summerrell: My understanding is that the 9,500 target is total occasions of service. There are other indicators as well, broken down in relation to parenting groups and community development groups. Total occasions of service is any interaction. For example, looking at the parenting groups indicator, that shows the amount of work that we do with families in relation to parenting support. While the indicators are great, what I think is more important is looking at the more intensive work that we do with families, rather than the entire number of occasions of service of any interaction that someone has. Does that make sense? If you look at the other indicator with the parenting support one, you will see that the outcome against that target more clearly demonstrates the work that is being done.

Ms Rule: We are having a look in the directorate at all of these indicators. I think it is a pretty blunt measure of demand, of the quality of the programs and of the level of intensity of some of the services that we are providing. It is in there as that kind of very flat indicator, which is just a simple calculations of service for now, but there is absolutely a need to have a look at the whole suite of indicators across the budget statements.

MS CASTLEY: Thanks. I would like to ask about child protection reports. My understanding is that a child protection report is considered to require an appraisal if there appears to be reasonable risk of abuse or neglect or a need of care. What is the number of these reports? How many of those are we looking at each year?

Ms Stephen-Smith: I think we are now receiving more than 20,000 initial child concern reports. I will hand over to Ms Lapic, who will be much more articulate about this than I am. Child concern reports are the initial report that comes in. That has been growing over time and it is now consistently more than 20,000 a year. Those are then assessed, and they become a child protection report if they need some additional analysis and work around them. That is a smaller number. I will hand over to Ms Lapic to talk about that.

Ms Lapic: In terms of the process itself, the numbers are accurate. Initially, the information may be received from community members or those who know the child best. It could be school, police or others. They share their concerns. That information is then assessed and it is determined which pathway it needs to go down. It may be a family response, where we look at services, or it may be an appraisal. There may be different pathways by which a response is provided to a family in the best, most appropriate way.

MS CASTLEY: Okay. So the initial and the assessed one go into a report. How many of those then end up in treatment or get moved into the department to get further care?

Ms Rule: Ms Lapic will have the exact numbers, but roughly three-quarters are not substantiated.

MS CASTLEY: Okay.

Ms Rule: Roughly, 75 per cent are not substantiated and 25 per cent move into the next stage of the process of further appraisal.

MS CASTLEY: What happens in hospital if a child is in the paediatric ward, for instance, and one of the doctors there is a bit concerned? How do they raise issues? Are there people in the hospital, such as social workers, that can help with that or do they make a report to you?

Ms Stephen-Smith: All healthcare workers are mandated reporters, but they also make voluntary reports. Mandatory reporting only relates to sexual abuse or non-accidental physical injury. There may be other concerns that are raised. All health workers are trained in how to respond if they have concerns around child protection, particularly those who are working specifically with children.

MS CASTLEY: The paediatricians as well.

Ms Stephen-Smith: Yes. Those health workers who work with children would have undertaken that training and would be probably the second highest source of reporting, after teachers; that is my recollection.

MS CASTLEY: Okay.

Ms Stephen-Smith: But I would not say that for sure. There might be different ways of doing it for different people. They might talk to a social worker. We also have the health justice partnership work in some of our hospitals, particularly in the maternity spaces, as well as in the child and family centres, which Ms Summerrell might be best placed to talk about, which enables that sort of interaction with assessing risk, understanding risk and then thinking about how to report.

Ms Summerrell: The Health Justice Partnership is a service that is provided through the Child and Family Centres, and, as the minister mentioned, it is in place in hospitals as well. That sees an embedded lawyer, who is available on site in those areas to work with families—and often women—in an environment that is safe and often when they are there for potentially other reasons. That process is covered under legal professional privilege and provides, as the minister said, that risk assessment framework and opportunity. Because it is embedded in the Child and Family Centres as well, it provides a neat partnership and segue if it is something that happens in the hospital back into that early intervention or intensive case management.

Not everything that happens needs that kind of stronger pathway, but absolutely some do. But then we are able to link back. Because of that embedded workforce in the Child and Family Centres, we can then send someone out to the hospital and have a conversation with that woman or, when they are back and mobile in the community, they can engage in the Child and Family Centre or some programs. It provides the opportunity for them to have what sometimes is a soft referral and be in a really safe environment for them to continue to have someone to check in with. Sometimes people are not always ready to take that next step so it is important to have the environment there for them to feel that, when they are ready, there are wraparound support services available for them. The Child and Family Centre caseworkers are then able to link in with other services as well and continue to provide that information back. It is an amazing service.

MS CASTLEY: Great. Thanks.

MS ORR: Minister, I want to ask some questions around the improved extended care and the changes that have occurred. As part of the Children and Young People Amendment Act 2024, there were amendments that would strengthen the entitlement to extend the support for care leavers up to their 21st birthday. There is $10 million in the budget for improved support for young adults leaving the out-of-home care system. Can you explain more about the initiative and how it will support the experience of care leavers?

Ms Stephen-Smith: Thank you very much, Ms Orr. I am so pleased that we have been able to both embed this in legislation and also get additional funding to support it.

You might be aware that young people leaving care already have some level of access to support up to the age of 21 and then up to the age of 25. Previously, it was an opt-in system where the young person or the carer has needed to demonstrate a requirement for that support, because of some of the restrictions in the act where the director-general was only able to provide support if it was demonstrably required. That clause has been removed so there is now an entitlement to support for young people exiting care up to the age of 21.

The directorate has been working through what exactly that will look like. It is part of the Children, Young People and Families Panel arrangements for extended care. The work has been done to design that extended care system in partnership with the Australian Catholic University. I will hand over to Ms Saballa to talk more about that.

Ms Saballa: I have read, understand and acknowledge the privilege statement. First of all, I will start with talking about the localised piece of research work that we did with the Australian Catholic University Institute of Child Protection Studies. It was a piece of local research, and it was really looking at the extended support needs of young people as they transition to adulthood. They looked at contemporary research in other jurisdictions and models, they talked to our counterparts in other jurisdictions and they also talked to young people with lived and living experience of the system. With all of that information, the ACU proposed a model. They wrote up the report and they proposed a model.

The model that they propose is a tiered set of brokerage packages for young people. So, as the minister indicated, there can be a much more individualised response to the needs of young people as they transition to adulthood. This extended support for young adults aged from 18 to 21 years is going to include improved transition planning—so before they transition—to access support services for young people from 15 years of age; improved pathways and support for young people to access appropriate housing and accommodation; connection to significant people, including workers and carers who can provide the young person with reassurance, warm referrals to services and problem-solving support as they develop the skills and confidence to live independently; and improved connection to community, family and culture. As I mentioned, the model provides flexible brokerage packages of varying intensities. That really acknowledges the different needs of young people to work alongside young adults to build their capacity and confidence for independence and that transition to adulthood.

MS ORR: Minister, I think you mentioned that there was also provision for beyond the 21-year age to 25 years. Can you or maybe Ms Saballa explain a little bit more about how that provision works?

Ms Saballa: There is additional support available for young people who have transitioned from the out-of-home care system up to the age of 25. There could be a range of supports available. Again, it is based on the needs of that young person. There is a number of services that might be available. Again, it would be working with that young person, understanding what those needs are and putting together a package of supports.

MISS NUTTALL: When you talk about the number of services that support the

needs of young people past that 21-year-old period, could you give some concrete examples of the kinds of services that you would be looking at?

Ms Saballa: Yes, I would be happy to. Thank you for your question. If you think about a young person turning 18 and all of the things that a young person does within the community and the supports and linkages they may need, when we worked on the model and thought about what might be in the packages, these are the types of key services that we have identified, which were verified through the ACU project. Services may include, but are not limited to, housing access and subsidy; mental health and wellbeing support; trauma counselling; medical and dental; developing aspirations and opportunity to achieve; living skills, including support to live independently and find employment; strengthen relationships with family and informal supports; and assistance transitioning from out-of-home care youth services to adult services. The other important point is that it is the linking into a number of specialist services but it may be mainstream services as well.

Ms Stephen-Smith: Chair, if we may, we have that data that Ms Castley asked about in terms of appraisals.

THE CHAIR: Please.

Ms Rule: There were 19,357 child protection reports and child concern reports made in the 2022-23 financial year and there were 1,385 of those reports requiring an appraisal in that financial year as well.

MISS NUTTALL: The first action plan for the Next Steps for our Kids strategy includes a commitment to delivering training and professional development across the government and non-government sectors to build work capability across the system. Does funding allocated in the 2024-25 budget towards Next Steps include funding for this shared training and professional development?

Ms Saballa: In the last budget there was funding committed for a range of initiatives. There was funding for direct delivery of services and also what I would call some system enabling pieces of work. To answer your question, there is not specific funding for that purpose. However, I would like to add that it is an absolute area of focus for one of the focus groups that sits under the Child and Family Reform Ministerial Advisory Council.

Currently, there are three focus groups that sit under that council. One of the focus groups, which is chaired by Dr Morag McArthur, is looking at the work between government and community sector partners. It is focusing on shared training and professional development, assessment tools, governance and data and evaluation. That working group has met several times and has been really focusing on joint workforce and building capacity. So, although not in this budget, there is very concerted thinking as part of that focus group and the suggestions that will come forward from that.

MISS NUTTALL: How complicated would it be to provide the breakdown of the funding allocated towards the 2025 budget? You mentioned direct delivery of services and more of the enabling. Do you have that information on hand or is it something you could take on notice, in the interests of time?

Ms Stephen-Smith: I can provide a bit of a breakdown for you, Miss Nuttall. Just under $4.5 million is to continue the five full-time equivalent positions for the Next Steps team over four years. I recognise this is a really substantial piece of reform work. There is almost $2.2 million for Aboriginal community-controlled organisation led-family group conferencing and to commence work to better understand the needs of informal kinship carers. That is offset against the Healing and Reconciliation Fund. There is $100,000 for consideration of future upgrades to the Child and Youth Record Information System, CYRIS; and $1.85 million for three community sector organisations to provide disability advocacy services for parents and families involved in the child protection system—which is something I am particularly pleased to have been able to secure some funding for.

To go to your question about training, one element of that is to fund a non-government organisation to provide disability support and training for both our government and non-government partners. That sits alongside $570,000 for an ASO 6 disability liaison officer—effectively an assistant supporting a disability liaison officer. We already have one in Children, Youth and Families. That will support collaboration between Children, Youth and Families and community organisations, including advocates.

There is $260,000 over four years to support the Child and Family Reform Ministerial Advisory Council that Ms Saballa was talking about; and $420,000 for design and validation of the new outcomes and evaluation framework. Another $100,000 has been allocated beyond the forward estimates for data validation in 2030-31. We are really looking, throughout the process of Next Steps, at ensuring that we have a really robust outcomes framework and evaluation framework in place so that we understand the impact of the changes that we are making over time. That is also supporting the response to the Auditor-General's into the governance and oversight of some elements of the Step Up for our Kids strategy and the contract management around that. It is a direct response to some of those observations as well as the internal audit work that the Community Services Directorate did in recognition that there could be improvements in the way that that process was managed.

MS ORR: I was actually going to ask about the funding, particularly the initiatives on the disability aspects of the Next Steps for our Kids strategy. Minister, I know you have touched on it, but I want to get a better understanding of the need of this cohort and how the funding is actually going to support that. So, if there is anything you would like to add, feel free.

Ms Stephen-Smith: It is something that we heard very strong feedback on as we developed the Next Step strategy and as part of the inclusion. We heard this feedback from Advocacy for Inclusion, from ADACAS and from the Disability Reference Group, for example. This funding, as I mentioned, will support a community-based training officer to provide professional development across Children, Youth and Families and our partner organisations. It will support individual advocacy for parents with disability who are engaging with Child and Youth Protection Service and out-of-care-home services. Really importantly, it is also going to support pre-pregnancy and first 1,000 days case management and support for parents with intellectual and cognitive disabilities who are at risk of engaging with the Child and Youth Protection system.

We hear, for example, from Downs Syndrome and Intellectual Disability ACT concerns when they know that one of their members is pregnant. They have a lot of safety planning around that pregnancy. They have a whole support network around that person and their partner if relevant. That is not always visible to Child and Youth Protection Services. There might be a concern raised by some third party who has not been involved in that really strong safety planning process and then it becomes a bit of contentious thing. So it is supporting that pre-pregnancy planning but also enabling advocacy and training to sit around that so that when particularly people with intellectual and cognitive disabilities are pregnant, are having children, everything can be done to keep those children with their parents in a safe way.

MS CASTLEY: Minister, I understand the commissioner is not your portfolio but she does advise on matters in your portfolio and has made some significant comments about Child Protection Services. I am wondering if you have heard those and are willing to comment on them.

Ms Stephen-Smith: Yes; if you can be more specific.

MS CASTLEY: I note that you have made a multi-million-dollar investment into building and maintaining residential care. I believe that the commissioner has made comments such as, "This is family policing"; "It is designed to harm"; and "A failing that needs to be abolished"—and she has made these characterisations in other jurisdictions. I am just wondering what your thoughts are with regard to your significant investment and how that will go with her making recommendations in your portfolio.

Ms Stephen-Smith: We know that we have more work to do to ensure that we are reducing the overrepresentation of Aboriginal and Torres Strait Islander children and young people in care. We are working with our community-controlled sector to deliver culturally safe services, including early support and diversion services. I completely respect that there are a lot of advocates, including the commissioner, who are going to continue to take a very strong position on child and youth protection services and the removal of Aboriginal children, as they should.

Positively, what we are hearing from the chair of the Our Booris, Our Way Implementation Oversight Committee and, indeed, in the Ministerial Advisory Council is that people are really starting to see the impact of the significant investments that we have made to implement the Our Booris, Our Way recommendations and the Next Step strategy. You might have seen yesterday in the reporting on closing the gap that the ACT is one of the jurisdictions that is continuing to move in the right direction in relation to the overrepresentation of Aboriginal and Torres Strait Islander children and families in child protection.

Miss Saballa might want to talk about how the current commissioning process has supported Aboriginal community-controlled organisation engagement in that panel of services so that we can over time transition support for Aboriginal families. We have made a public commitment that we want to transition 30 per cent of funding to Aboriginal community control as the sector develops. We now have a registered care and protection organisation in Yerrabi Yurwang. We have also directly commissioned

Gugan Gulwan to provide intensive family support services. We are very much on the front foot about this, but we also know that there is more that we can do. I do not know if you wanted Miss Saballa to talk a bit about that process.

MS CASTLEY: No, I understand that they are working well. My concern is whether the characterisations that the commissioner has made are at odds with the work that you are doing. They are pretty strong words—"sought to delegitimise and defund". I believe that they were comments that she made in another jurisdiction. You are making great inroads in taking care of kids, and I am just wondering how her advice, if that is what it is, will go to your portfolio.

Ms Rule: We are working really closely with the commissioner and her office. She has a very important role to play in terms of advocating on individual cases. There have been 20 formal requests from the commissioner since she commenced in relation to information or specific actions or meetings about particular cases. We see the role of an Aboriginal and Torres Strait Islander Children's Commissioner as being a really important part of the strengthening of the system that we are undertaking in the ACT. She will have views that will be important in us thinking about how we continue to improve the system. We are very committed to working with her. As I said, we are already dealing with her on individual cases as well as on broader system reform.

MS CASTLEY: Thank you.

THE CHAIR: In some ways, this question follows on from discussions we have already had about Step Up for Our Kids. I refer to the Auditor-General's report on management of key contracts under A Step Up for Our Kids, which outlined a series of findings by the Auditor-General, including their conclusion that a key commitment was to have performance-based contracting but this was not achieved. Minister, what steps have you taken to address the findings in the Auditor General's report?

Ms Stephen-Smith: I will be formally tabling the response to the Auditor-General's report within the next three weeks. But I can hand over to Ms Saballa to talk about what has been done. As I mentioned earlier, the Community Services Directorate had already recognised that there was significant room for improvement in some of that contract management and had already done its own work with an internal audit process prior to the Auditor-General's work.

Ms Saballa: Firstly, I would like to say that we worked closely with the ACT Audit Office on this audit. It was an important audit with a set of forward-looking recommendations. As the minister mentioned, we have prepared a government response. That government response outlines the work that we have done to date and then the series of things that we are doing next. The Audit Office report recognised all of the work that was done to develop Next Steps for Our Kids. It did go some way to addressing some of the shortcomings under A Step Up for Our Kids. That was recognised in the audit report.

You may have noticed—and the minister mentioned this—that the government has committed over $400,000 in the recent budget. That is for the design work and validation of an integrated outcomes and evaluation framework. As part of that, there will be a robust performance management framework and a co-design work around

that framework. The initial scoping and structure of that performance management framework has been developed.

What is going to be very positive about having that robust performance management framework in place is that it will be a shared performance management framework between our funded sector partners and government. So there will be a supporting service level agreement as well. It will really look at the detail around the success of the system for children, young people, families and carers. It will look at services and it will also look at the system. The other benefit of the performance management framework that is been developed is that it will give us much better access to point-in-time data. Under A Step Up for Our Kids there was a mid-term evaluation and then a post-strategy evaluation. A working performance management framework that we are all signed up to means that we will have much clearer indication in points in time and it means that we can review and adjust what we are doing as well.

MS CASTLEY: You mentioned the performance management framework. Prior to this, how were you able to have confidence in the quality of the services provided? How are we able to know what was happening?

Ms Saballa: There are a number of important ways that service provision is monitored. It would have been outlined in the audit report, but there are regular contract management meetings with funded providers. There is opportunity to raise any issues as they arise. There is data reported through the six-monthly snapshot out-of-home care report, which is released and tabled in the Assembly every six months. So there is very close work within Children, Youth and Families with our funded providers. What that means is that there can be close work around individual matters and around contact matters. So there are absolutely structures in place already. However, the Audit Office report has given us opportunity to look at how we strengthen that, and that is what we will be doing.

MS CASTLEY: Minister, on page two of the report, with regard to the Aboriginal Torres Strait Islander community, it says: "CSD has not effectively monitored these requirements and cannot demonstrate whether ACT Together or Uniting have met their obligations." I am just wondering what happened. I, of course, understand the changes—that, once you have been audited and have a report, you make some changes—but what has happened in the past? What has that gap actually meant when the Auditor-General says that CSD has not demonstrated that the obligations have been met?

Ms Stephen-Smith: I will hand over to Ms Wood in a moment. There is probably a difference between what the Community Services Directorate and Child and Youth Protection Services know and understand about the experience of Aboriginal and Torres Strait Islander children, young people and families in the child protection system and the formal mechanisms for recording and monitoring that, in terms of the performance of our contract partners.

We entered into these contracts with ACT Together and Uniting. We have had both internal mechanisms that Ms Wood will talk about and external oversight mechanisms in place through the entirety of A Step Up for Our Kids. We had a ministerial council for the first few years. We had the Our Booris, Our Way steering committee

undertaking their review. They talked to community about their experiences in the child and youth protection system. They were passing that information on, as well as the direct reports that we were receiving in relation to families' experiences from those families and from community-controlled organisations and other partners right across government.

The reflection is that the directorate did not have formal mechanisms in place to document and be able to say formally what those things were, and that is what has been addressed. I would absolutely say that there were a range of mechanisms through which we were hearing feedback from the community and responding to that.

Ms Wood: In addition to the contract oversight mechanisms that Ms Saballa spoke of, we also have a detailed process around an annual review for every child using out of home care. There is detailed work that happens with ACT Together to look at the progress and any issues for children and their experience over the previous year, as part of an annual review process.

In addition to that, to look more systemically at outcomes for Aboriginal and Torres Strait Islander children and their experience, we have been working over a number of years directly with ACT Together and with the Our Booris, Our Way Implementation Oversight Committee on a monitoring and review framework specifically for Aboriginal and Torres Strait Islander children who are in out of home care and under the case management of ACT Together.

That process has ensured that that monitoring review framework for those children has been actively co-designed with the Our Booris, Our Way Implementation Oversight Committee. That has meant both CSD and ACT Together have come to present to that committee, test that framework as it was developed and receive feedback.

MS CASTLEY: Why wasn't that enough for the Auditor-General? This is a pretty significant finding, that it has not effectively monitored these requirements. If there are these reports and the Auditor-General felt that that was not quite enough, I am wondering what you have to say about that.

Ms Wood: The work on the framework commenced before the audit work started but probably overlapped it, so there may not have been sufficient time from that work being finalised for the Auditor-General to feel that they could see the outcomes of that. It has been an important piece of work. It is something that will be taken forward under the new contractual arrangements, once our procurement is completed. It has given us a really good base to develop further, in response to that Auditor-General's recommendation.

MS CASTLEY: It has not been standard practice until now?

Ms Stephen-Smith: No, I do not think that is what Ms Wood said. I do not think that is an accurate representation. I do not know whether Ms Lapic has anything to add. We are not talking about a very large number of children and young people, so there is quite a good understanding of those children and young people's lives.

Ms Lapic: The monitoring and review framework commenced in September 2021. It has been a process where we look at a cohort of children through different stages. It is a process of improvement and a continuous improvement strategy. When we commenced this process, it was working together with our funded providers to look at individual children and work through a moderation session to say, "What else can we do? How else can we improve practice?" It is a continuous improvement approach.

MS ORR: I have a question on the minimum age of criminal responsibility. The minimum age of criminal responsibility has been 12 for some time, and the alternative response system is up and running. What lessons have been learnt so far about what it takes to support young people outside a justice context?

Dr Barker: I have read and accept the privilege statement. Thank you very much for the question. It is still early days since we have raised the minimum age of criminal responsibility. I have been in this role for about five months. In that time we have had about 28 referrals from the community sector. We see that all of the young people that we have had referred to us have had long histories of involvement in the child protection system and experiences of family violence. We can see that there are quite complex needs for these children and young people.

It is still too early to predict what services and responses they will need. We are at the stage of doing robust assessments to make sure we know what we need to do to meet their needs. I would be cautious at this point in time, with the limited data we have, to infer what supports we will need moving into the future. We will have to make sure that we have a larger sample size to make more robust decisions moving forward. None of the needs that we have seen are outside what we were expecting to see with this population group.

MS ORR: Can you run through some of the things that you are expecting to see and the sorts of things that you are seeing?

Dr Barker: Absolutely. The research and the data that we have collected so far with the cohort we have had referred to us suggest that most of the young people that will be referred to us and who get involved in the justice system have complex needs. There is a mix of a few of these risk factors, including mental health issues, diagnosed or undiagnosed disabilities, experiences of adverse childhood experiences, including family violence, educational disengagement, and often environments of chaos and instability—unstable housing environments.

These are the things that we have seen in other jurisdictions. Again, even though we cannot infer forward with the data we have collected to date, that is what we are seeing regarding the needs of the cohort who have been referred to us so far.

MS ORR: I appreciate that you cannot infer forward at this point in time because it is still quite new, but what support has been provided so far?

Dr Barker: Some of the most useful supports that we have been able to provide so far are good assessments to understand what the needs of these young people are. We are drawing on either the existing skills we have in the ACT or outside the ACT, to make sure we really understand the impact of the trauma, and getting a diagnosis of the

mental health issues, to help inform what those therapy plans could be.

To date the thorough assessments have been the most useful supports we have been able to put in place. The ecosystems of support that already exist for these young people, that we already have in the ACT, can be informed about what measures they need to take to be able to heal and address the unmet needs of these young people.

Often it is not about finding new services for them or taking part in more clinical therapeutic supports; it is about supporting those existing ecosystems of support to make sure they are providing and meeting the needs of these young people in a therapeutic way, and making sure that is informed with consistent messaging.

MS ORR: Was it 23 or 28 referrals so far?

Dr Barker: On 19 July—I time-stamped the data collection then—we had 28 referrals.

MS ORR: Have you seen those going through consistently or was there a bit of a rush when the program first started?

Dr Barker: Not a rush at all. The initial challenges with any program are about awareness of the program, and the internal processes in other organisations to be able to make referrals. Initially, we saw most of the referrals coming from care and protection, because they had their internal processes for referral quite clear. Later we saw more of an increase in referrals from police. Again, we needed to wait for them to sort out their internal processes. Now we need to make sure we improve awareness within the community of what it is we do and what an eligible referral is, for us to get a better understanding of where those referrals will come from in the future. But it is far from a rush.

MS ORR: Dr Barker, with the work on raising the awareness of the program within the community, what do you have planned?

Dr Barker: I have been having a lot of meetings with lots of different stakeholders in the community sector, police and education. These are ongoing. I have found in the past and am finding now that I need continually to remind these people about what it is we do, and continue to speak to not only their executive and the managers in those areas but try to get that messaging trickling down to the front line, whether that is teachers, frontline police et cetera.

We are constantly doing messaging. I am going out and presenting as much as possible to anyone who will have me, to make sure that they have the opportunity to know what we are doing and ask me questions. That has been really helpful so far, to address any misinformation or answer questions to make sure people know what we are doing.

MS CASTLEY: How many of these young people have been under 14?

Dr Barker: That is a really good question. The current minimum age of criminal responsibility is 12. With two of the referrals that we have had, they have been under

the minimum age of criminal responsibility. Of the active clients that we are working with at the moment, there are 19 that we are working with, and the others are currently being assessed to see whether they meet the intake criteria. Ten of those 19 have been under the age of 14. The majority of them are still over the minimum age.

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

Hearing suspended from 12.00 to 1 pm.

THE CHAIR: Welcome back to the public hearings for the committee's inquiry into the Appropriation Bill 2024-2025 and the Appropriation (Office of the Legislative Assembly) Bill 2024-2025. The proceedings today are being recorded and transcribed by Hansard and will be published. The proceedings are also being broadcast and webstreamed live. When taking a question on notice, it would be useful if witnesses used these words: "I will take that question on notice." This will help the committee and witnesses to confirm questions taken on notice from the transcript.

We will proceed straight to questions, starting with Miss Nuttall.

MISS NUTTALL: I understand that the Yarrabi Bamirr trial program supports Aboriginal people who are in contact with the justice system, and their families, with extensive wraparound support. During the trial, drug and other alcohol counselling, midwifery services, dental services, psychologist and psychiatrist services, and advocacy services were significantly increased for participants. An ANU evaluation of the program showed that participants reported significant improvements in their family, personal and social wellbeing. The evaluation also confirmed that the trial is helping to keep families together, preventing homelessness and keeping people out of prison. Given that the evaluation shows how well this model seems to work for some of the most vulnerable people in our community, where do we plan to go from here?

Ms Rule: Can you repeat the name of the program, Miss Nuttall?

Ms Stephen-Smith: It is Yarrabi Bamirr.

MISS NUTTALL: Yarrabi Bamirr, yes.

Ms Stephen-Smith: It is a program that sits in the justice portfolio, so it is the responsibility of Justice and Community Safety. It is a justice reinvestment initiative. It has been a really fantastic initiative. My recollection is that it has been extended at least once, if not twice. We can speak to the important role of the Aboriginal community-controlled sector and the ongoing work to ensure that the community-controlled sector is engaged in the delivery of services, and particularly wraparound services, for families. But I am not sure that we can speak specifically to that initiative, as it does not sit in this portfolio.

MISS NUTTALL: I understand. Are there observations or feedback that you have received about the program? Has any of that filtered back to you?

Ms Rule: No, not specifically.

Ms Stephen-Smith: I have had lots of positive feedback about the program, but not, again, in my role. That is as much as I can say about it, unless Mr Simpson has had engagement in relation to the ASD—

Mr Simpson: No, I have nothing further to add, Minister.

MR MILLIGAN: I see that there is a new initiative, "building capacity and capability of Aboriginal community-controlled organisations". That seems to be offset from the Healing and Reconciliation Fund. Can you tell us a little bit about this new initiative or program? Why has it been offset, and how does it affect other programs that have been part of the other fund?

Ms Stephen-Smith: The Healing and Reconciliation Fund was an ACT Labor commitment in the 2020 election, a $20 million fund over 10 years. There were some particular priorities identified when that fund was established. One of those was supporting the growth of the Aboriginal community-controlled sector. That is aligned with our commitments under the National Agreement on Closing the Gap, where there are four reform priorities, one of which is to transition service delivery to community control.

Despite the fact that we have not yet been able to establish the governance mechanism that we had initially proposed for the Healing and Reconciliation Fund, we did not want to leave that money on the table. We want to continue to use that funding that is sitting there, provisioned and available to support the priorities that the community has very clearly articulated, and transition to community control is one of those priorities.

The Aboriginal Community-Controlled Organisation Establishment and Expansion Fund, the AEEF, will support existing, emerging and new ACCOs to build organisational capacity and capability, and to develop and expand services that improve outcomes for Aboriginal and Torres Strait Islander Canberrans. The fund will be supported by the Aboriginal Service Development Branch, which Mr Simpson heads, and I will hand over to him to say a little bit more.

Mr Simpson: I acknowledge the privilege statement. In regard to the ACCO Establishment and Expansion Fund, it responds to what we have heard from the community-controlled sector. It enables government to provide alternative funding sources for ACCOs that are focusing on establishment, capacity and capability-building activities.

It will provide ACCOs with further self-determination for Aboriginal and Torres Strait Islander people to achieve better results as they are underpinned by the organisation to deliver the community direction, but in a mutual partnership with the government. It will be able to have an immediate impact on priority reform 2, which is building the community-controlled sector. We are looking forward to working in partnership with our ACT ACCOs around that. The design thinking from that was underpinned by a South Australian ACCO grant fund which has been successfully

implemented over the last 18 months, which is prioritising the sector, and utilising that to build that organisational capability.

MR MILLIGAN: There are funds available, as I understand it, for community-controlled organisations. That money is to go towards the management and operation of the programs and different services that they offer; is that correct?

Ms Rule: No, it is to go towards building capacity and capability of those services.

MR MILLIGAN: What does that mean?

Ms Rule: It is deliberately broad, because what we have heard from Aboriginal community-controlled organisations and the community more broadly is that ACCOs compete for grant funding, like every other community sector organisation, but that is to deliver a thing. It is usually to deliver 10 services, six, or whatever it might be. There has to be some investment in getting those organisations set up, getting their staff on board, getting them premises, getting their governance arrangements in place, getting staff trained—whatever it might be. Every organisation is different.

The fund is deliberately broad to allow us to work with the sector to be able to provide some of the foundational building blocks that they need in order to go on and successfully bid through grant rounds for other grant funding.

MR MILLIGAN: The establishment of new community—

Ms Rule: It is not necessarily establishment. It could be, but it could also be an investment in existing ACCOs to grow their capacity and capability.

MR MILLIGAN: What is the budget that has been put aside for this so far?

Mr Simpson: $3.86 million.

MR MILLIGAN: $3.86 million over—

Mr Simpson: Four years.

Ms Stephen-Smith: In relation to that funding specifically, the other thing that we have heard very clearly from the sector that there needs to be a conversation about, because we have a larger number of community-controlled organisations in the ACT now, is whether and how a peak body or a peak-type network would be established for community-controlled organisations in the ACT. We are able to use this funding to support that conversation as well.

MS ORR: My first question was going to be: what is the money going to? You have probably covered that quite extensively. I want to get a little bit more of an understanding about how the fund and the approach you are taking respond to the community and sector feedback, and how the community will be consulted as the development of the fund, the guidelines and everything that goes with it, continues to progress—essentially, over the four years of the funding.

Mr Simpson: It will be an iterative approach, but we will work in partnership with the Elected Body and our ACCOs. Already, we are booking appointments to talk with our ACCOs and get feedback from our ACCOs. We heard from them initially that they needed assistance around developing capability in understanding and navigating through regulatory frameworks. We will have that conversation with them. By working with the established Elected Body—the new, incoming Elected Body—around that process and utilising our relationships with our community-controlled organisations, that will inform that particular process. It will be an ongoing process regarding what has worked and where our successes have been.

We will also utilise the learnings from the South Australian grant fund, which has just gone through a process. We will utilise the understandings of what has worked there and what has not, while understanding that the ACT is a different jurisdiction. We will apply those learnings within our jurisdiction, as well as feedback from our community organisations around how that is working for them.

MS ORR: Apart from South Australia, are there other jurisdictions that have funds that you can look to for guidance on some of the issues that you might be dealing with?

Mr Simpson: There are other funding arrangements that are not specifically for ACCO grant funds. We understand that there are other mechanisms within New South Wales that work in the judicial process, and there is that iterative feedback about building the capability of service providers to be able to work in partnership with government and community to meet those mutual outcomes. There are other places, but they are not specifically dedicated to the community-controlled sector under priority reform 2.

MS ORR: There is a little bit to inform you, but you are also finding your way on this approach because it is new and a bit different.

Mr Simpson: That is correct. As we look to deliver, working differently, regarding priority reform 3, it is about how we work differently with our community to be able to provide those outcomes and deliver the outcomes with our community.

THE CHAIR: Minister, how many ACT ACCOs do we have?

Ms Stephen-Smith: I do not know whether Chris has a number off the top of his head. The main ones that we work with are Winnunga Nimmityjah Aboriginal Health and Community Services and Gugan Gulwan Youth Aboriginal Corporation. They are the two longstanding, largest community-controlled organisations. We are also seeing the emergence of Yeddung Mura, which is now quite established in the justice space. With Tjillari Justice, I am not sure whether they are still working in the justice space. With Yerrabi Yurwang, we mentioned earlier that there is now one organisation registered that is a care and protection organisation; that is Yerrabi.

Worldview is also meeting our criteria to be considered a community-controlled organisation. Sisters in Spirit Aboriginal Corporation is working particularly with women in the domestic and family violence space. There are other organisations in the housing space that have a presence here, like SEARMS. I am not sure whether

they have a substantial presence here at this point. Mr Simpson might be able to think of others.

Mr Simpson: There is also EveryMan, which is a new and emerging organisation, which wants to work in housing supportive services. We are supporting them as well. SEARMS has a presence within and wants to work with the community around opportunities to deliver various forms of social community housing. We work with them to understand that, and opportunities, through the housing coordinator-general.

THE CHAIR: With this capability building for ACCOs, is any of that related to the Ngunnawal Bush Healing Farm and potentially getting an Aboriginal-controlled organisation to run the Bush Healing Farm?

Ms Stephen-Smith: Potentially, Ms Lawder. One of the challenges in transitioning to community control has been that there has not been a community-controlled organisation that was in a position and were putting their hand up to want to do that work. I hope that one of these organisations, or another emerging organisation that might be formed from a community of interest, will come forward. Similarly, in relation to Boomanulla Oval, we probably have not talked about sports organisations that would fit into the realm of being community controlled as well.

The work is ongoing in relation to the Ngunnawal Bush Healing Farm. I do not think we can say anything more about which organisations might be considered there. I am not sure that we even know that ourselves at this point.

Mr Simpson: The fund will also complement already established mechanisms under the Office of the Registrar of Indigenous Corporations, and the Badji program that is there. It will complement those around building the five-year plans, logic maps and governance models to ensure there is a healthy, operating organisation. Also, there are opportunities particularly around navigating the regulatory framework in order to operate a 24/7 service at the Ngunnawal Bush Healing Farm.

There are our commitments to building a community-controlled organisation in partnership with the community for the disability sector; that was announced as well. There are some great opportunities to support those organisations.

Ms Stephen-Smith: I am stepping into the realm of changing hats here, to the health hat. What we have got is The Glen, who deliver these alcohol and other drug rehabilitation services based on country in the Central Coast. They have indicated that they are continuing to work with the Health Directorate, but they are also happy to support an organisation that wants to step into that space in the ACT.

MISS NUTTALL: I am curious to hear more about Boomanulla Oval and the work we are doing to return the oval to community control.

Ms Stephen-Smith: That work is ongoing. It is being done in partnership with the Elected Body, looking at a model that will be sustainable. One of the challenges we had with Boomanulla Oval when it came back to government, after the previous community-controlled organisation was no longer in a position to manage the oval, was that it was in a state of disrepair. Significant investment needed to be put in to

bring it back up to standard as an operational sports oval and in the facilities as well.

It will never be in a position, as a sports facility, to generate enough revenue to undertake that maintenance, so it is about how we, as a community and as a government, continue to support that facility while transitioning the management of it to community control. There are a few models that we have been working through with the Elected Body on how that could work, without an identified community-controlled organisation that we can talk about. There is a time line that the Elected Body has been working through. Paula McGrady, as the former deputy chair of the Elected Body, was very involved in that work. That will be part of our conversation with the incoming Elected Body in a couple of weeks.

THE CHAIR: On Gugan Gulwan, I know that the building is coming along, but some of the funding has been rolled over. Can you explain? Has it not met the expected completion date? Is that why the funding is been rolled over? Why has it not met the expected completion date?

Mr Moyle: I would like to acknowledge the privilege statement. The original forecast time frame, when it was budgeted, was unfortunately impacted by COVID, particularly during the design phase. The development and construction had to be pushed back, and that is why the funds have been rolled over. We are still forecasting a completion date at the outside of January, but we are working to try and tighten that. We are probably looking at November-December as an actual completion date. We are having regular meetings with Gugan Gulwan, particularly in terms of supporting the lease arrangements with that now and supporting them look at how they transition into the new establishment.

THE CHAIR: I think they are at the Erindale Business Park at present.

Mr Moyle: Correct.

THE CHAIR: Did they pay the moving costs in the first instance, to move to the EBP, or is that part of the budgeted amount?

Mr Moyle: The budget amount includes all furniture and fittings internal to the building. The only cost that they are going to be required to pay is to bring their IT hardware across. There will be extremely minimal relocation costs. My understanding is that the Erindale Business Park contains basic amenities and facilities, like tables, chairs and those kinds of things, so it is only their materials that they are taking across, and their computers. I would just add that we are working, particularly at OATSIA and MPC, quite closely with Gugan. Gugan were part of the selection of the new furniture going into the facility. I think that the next phase is to start to consider what the furniture and the artwork within the actual property looks like.

THE CHAIR: Given the bigger premises, I presume—it looks bigger—

Mr Moyle: Absolutely.

THE CHAIR: is it up to Gugan to determine what expanded services, if any, they might provide?

Mr Moyle: That is correct.

THE CHAIR: And then, if necessary, they might apply for funding for that through the normal process?

Ms Stephen-Smith: Yes, through the normal process. That might be commonwealth funding, as well as ACT funding. It could be from Health or it could be from the Community Services Directorate. We were speaking earlier about the process for the children, youth and families panel that has been commissioned. We are being flexible in that process around child protection adjacent services to enable additional Aboriginal community-controlled services to come into that space over time, without a competitive tender process. Once Gugan is in that new building, those will be additional conversations.

I also mentioned that we had specifically funded them for intensive family support services. They play a really key role in that space. I know there are some conversations around the minimum age of criminal responsibility and the work they do already in supporting young people at risk. Those are the kinds of areas where we would be really keen to have conversations with Gugan about how we can transition some of our mainstream funding to community control.

MS ORR: Can you outline the investments the government is making to support and strengthen the Aboriginal and Torres Strait Islander Elected Body and to strengthen self-determination more broadly?

Ms Stephen-Smith: Yes. We committed about $1.2 million to the Elected Body process. That covers supporting increased paid time for Elected Body members, and particularly for the person who represents the Elected Body on the Coalition of Peaks and on the Joint Council on Closing the Gap. That is a significant amount of work.

We have also had funding of $200,000 drawn from the Healing and Reconciliation Fund for an independent First Nations-led review of the Elected Body. That review process will be two-stage. The first stage is to go out and listen to the community and produce a listening report. The second is to consider what the feedback was from community and how that might be used to inform changes to the way the Elected Body operates, and any changes to legislation that might be required from that.

We will have a bit more to say about the review very soon, but we want to talk to the incoming Elected Body before we make any public announcements about next steps on that. The first meeting of the incoming Elected Body is 14 August. Shortly after that we will have some more detail in relation to the listening process. That will report back to the incoming government after the election.

MS ORR: How do these investments respond to the Auditor-General's report into the Elected Body that was released?

Mr Moyle: Thank you for the question. The addition to what the minister was talking about was the ongoing funding for an independent secretariat. The Auditor-General, in the report—I think it was recommendation 4 or 5—identified that additional

resources and support were required to support the Elected Body to fulfil and discharge its functions under the Elected Body act. It has a number of key functions. What we have seen since 2008, when the body was first established, and particularly over the last three years, is that the expectations and requirements have increased significantly. The Aboriginal and Torres Strait Islander community population base has increased, which requires further time and opportunities for investment in consultation and engagement.

The other thing, as the minister said, is that we are seeing a significantly increased program of work through the ACT Aboriginal and Torres Strait Islander Agreement but also through the National Agreement on Closing the Gap. The independent secretariat allows the body to be completely independent of government. Previously, secretariat support was provided within OATSIA. When we look at the national agreement, under clause 67, the independent mechanism, we cannot be really independent if we are providing the secretariat support and the policy guidance and advice when that independent mechanism is actually meant to hold governments to account. That is the first element of that.

One of the other key recommendations that was made was looking at the pay scale and the rate that some Elected Body members were paid. As the minister said, all members saw an increase in investment of time, particularly the chair and deputy chair. Their work was increased by about 2½ days a week to allow those members to contribute and participate in those meetings and also to look at how they work with the ACT government in the delivery of the ACT agreement.

The listening report itself, as the minister said, is going to look at the model. It is talking to community. When we look at priority reform 1 of the national agreement, it is about shared decision-making and formal partnerships. The Elected Body is the ACTs premier example of that and probably one of the nation's premier examples.

On the ability to hear back from community about what their aspirations and needs are, things have changed. We have had a referendum. People largely voted yes here in the ACT. It has given the community a chance to say what they need from this model, because it really has not had significant changes in the last 16 years, and what is needed, moving forward. The investment itself responds immediately and directly to the Auditor-General's recommendations. Part of that is also setting us up so that we have got a strong Elected Body and a strong future for the voice of Aboriginal and Torres Strait Islander people, as a critical governance mechanism within the ACT government structure, into the future, over the next 10 years.

MISS NUTTALL: How is implementation of the Aboriginal and Torres Strait Islander employment framework progressing? Are we on track to meet our targets?

Ms Rule: Broadly, that framework is owned by the Chief Minister's directorate, which has responsibility for employment matters across the ACT public service. In relation to the Community Services Directorate, I will take the opportunity to say that this is something that I am really proud of: between 6½ and 7½ per cent of our staff are Aboriginal and Torres Strait Islander. That number has remained relatively stable. In an employment market where Aboriginal and Torres Strait Islander staff members are being sought after by government organisations and non-organisations, I think it is

really important that the directorate reflects the people that we serve. The fact that we have been able to attract and retain Aboriginal and Torres Strait Islander staff at all levels of the organisation in such high numbers, as I said, is something that I will take the opportunity to put on the record and say that I am really proud of.

MISS NUTTALL: I am glad to hear that. This might need to be just in the CSD context. Do we have any information on what percentage of senior leadership roles are held by Aboriginal and Torres Strait Islander people?

Ms Rule: I do not have a percentage across the Community Services Directorate. You will see that I have two very excellent senior leaders here at the table with me, Mr Moyle and Mr Simpson, who have made an extremely valuable contribution both to the directorate but in taking on a leadership role across the ACT public service. They will both blush at me saying this, but I think they have done an excellent job in leading Aboriginal staff in working on things like yarning circles, leading delegations to particular events, and being involved in training and development opportunities for both Aboriginal and non-Aboriginal staff.

I am very grateful for their leadership across the public service. We are conscious of the cultural load that that puts on Aboriginal staff, and particularly our senior leaders. But, as I said, we have taken this very seriously in CSD, and I am very happy to have people of the calibre of Mr Simpson and Mr Moyle in our team.

Ms Stephen-Smith: One of the other areas where we have made a significant step change in Aboriginal and Torres Strait Islander employment is in Children, Youth and Families. We have established a First Nations team, in addition to the cultural services team, and employed some really excellent Aboriginal child protection practitioners in that team. I do not know if Ms Lapic wants to say, very briefly, what that is now looking like.

Ms Lapic: Yes—

THE CHAIR: You have 30 seconds.

Ms Lapic: Children, Youth and Families are sitting at about nine per cent in terms of our Aboriginal employment strategy. Overall, it is about looking at how we can provide supports earlier for Aboriginal families.

THE CHAIR: Our time is at an end. I thank all those who appeared for your attendance today. If you have taken any questions on notice, please provide your answers to the committee secretary within three business days of receiving the uncorrected proof *Hansard*. Thank you.

Short suspension

ACT Government Solicitor

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

THE CHAIR: We welcome Mr Peter Garrisson AM, SC, Solicitor-General for the ACT. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Can you please confirm that you understand the implications of the statement and that you agree to comply with it.

Mr Garrisson: Thank you, Chair. I am familiar with the terms of the statement and I acknowledge it.

THE CHAIR: Thank you. We will proceed directly to questions. It may not surprise you that my first question is about Ms Katy Haire, the Director-General of the ACT Education Directorate, and her commencement of legal action against the ACT Integrity Commission in a bid to stop the Integrity Commission's investigation into whether Education officials failed to act honestly and/or impartially when making recommendations and decisions regarding Campbell Primary School modernisation. Is the ACT Government Solicitor representing Ms Haire in her legal action against the ACT Integrity Commission?

Mr Garrisson: No, it is not.

MR CAIN: Mr Garrisson, is the ACT Government Solicitor involved in any way with Ms Haire's legal matter?

Mr Garrisson: Only to the extent that the provision of assistance in relation to that legal representation has been managed through my office, in accordance with the legal services directions and processes that are in place in relation to that.

MR CAIN: How was this funding decision reached?

Mr Garrisson: There was a request for assistance. The request for assistance was considered. There is, in fact, through the Chief Minister's directorate, some guidance material on their website about the manner in which public employees are able to obtain assistance. We have a fairly well developed process for addressing those requests for assistance, including a specific email address and confidentiality protocols in place, because, of course, at the point at which assistance is being requested most persons who are intended to appear as witnesses before the Integrity Commission are subject to secrecy notices under the Integrity Commission Act.

There are, relevantly, two exceptions to that. One is for the purposes of obtaining legal advice. The second, which was as a result of discussions that I had at a fairly early juncture with the Integrity Commissioner, is in relation to people being able to seek assistance for their wellbeing. Presumably, the committee will be aware that there have been some pretty horrific instances of the impact of integrity proceedings on the wellbeing of individuals in some other jurisdictions, which—

MR CAIN: Thank you, Solicitor-General. How many other funding approvals have

been given in this term of government? Could you take that on notice if you do not have that information.

Mr Garrisson: I can give you an answer, Mr Cain. In the last five years there have been 123 requests for legal assistance. Seven of those were rejected. The requests for assistance encompass a broad range of activities. As you can imagine, there are public servants and members of the Assembly, all of whom at one time or another require assistance in relation to claims that are made against them or, for example, my office has acted and assistance has been provided in relation to personal protection orders.

MR CAIN: So 116 have been approved; is that correct?

Mr Garrisson: Yes, 116 have been approved.

MR CAIN: How many of those were to assist someone who was defending a claim against them and how many were to support them initiating a complaint or an action?

Mr Garrisson: I have already indicated that I think there were six or seven personal protection orders.

MR CAIN: I do not need the subcategory; just the broad category. How many funded cases were to defend a public official and how many were to help them with initiating an action?

Mr Garrisson: I think you need to put that in context. For example—

MR CAIN: That is not a difficult question to answer.

Mr Garrisson: The answer has to be explained, Mr Cain. For example, on the matter that has obtained some notoriety, Ms Haire's application, she already had legal assistance in relation to her representation before the Integrity Commission. As I understand it, the Attorney-General answered it in the Assembly. There was an approach from the lawyers who were acting for her to foreshadow that they may need to make an application to the Supreme Court as a part of their representation of Ms Haire because of a perception of bias and also in relation to what was then the alleged failure to afford their lawyers the opportunity to cross-examine a particular witness.

That is all now a matter of public record. So you cannot simply say that there was assistance granted for her to commence legal proceedings. It was actually already part of the agreement to provide assistance to her, and the question was whether that legal proceeding would be the subject of that assistance by reason of its close connection to the representation of Ms Haire to the Integrity Commission. It is also important to understand that I cannot sit in judgement on whether or not the claim will succeed. I can only form a view to say that this appears to be reasonably connected to representing this person before the Integrity Commission. As you—

MR CAIN: How many similar funding approvals have been given to someone in a similar situation, where there was some representation already and then there was an ancillary or subsequent request to initiate an action?

Mr Garrisson: There is only one other about which I am immediately aware, but I am not going to identify the individuals.

MR CAIN: That is all right. Could I have a breakdown of those 116 approvals, in as generic terms as possible or as detailed as possible: whether the action was instigated by the applicant, whether the action was ancillary to some other legal support or whether it was purely to defend someone at first instance against a claim. Could I have a breakdown of the funding decisions made with respect to those categories?

Mr Garrisson: I have already indicated that there are two matters where ancillary proceedings were commenced, and I have also said that there were, I think, six personal protection orders.

MR CAIN: One hundred and sixteen is a lot, so could you take on notice breaking that down for us?

Mr Garrisson: Yes; it is. Mr Cain, as I have sought to explain, it encompasses doctors, nurses, emergency services—

MR CAIN: We are happy to have a breakdown that explains the funding decisions.

Mr Garrisson: I am not going to tell you, and I cannot tell you, the occupation of each of the 116. What I can say to you is that it encompasses where they are sued in the course of the performance of their duties and functions. I can say that it includes when they are represented before the Coroner.

MR CAIN: Could you provide this committee with breakdown of the 116 approvals, according to whatever categories you think you are able to share and to the level of detail you can provide? Could you take that on notice, please?

Mr Garrisson: I will take that on notice, Mr Cain.

THE CHAIR: Ms Orr has a supplementary.

MS ORR: Mr Garrisson, what considerations do you have regarding legal confidentiality when talking about cases where officers are represented?

Mr Garrisson: They are quite significant. The only issue in relation to Ms Haire is that the horse has bolted, so to speak.

MS ORR: Sorry—publicly available information.

Mr Garrisson: There are two reasons. One is obviously the sub judice principle, because a number of our matters are active. In the last year, we gave 3,700 advices and were in court 1,200 times, so there is quite a lot going on, and a number of those proceedings are longstanding. The standard practice is not to comment on matters that are, in fact, before the court, for obvious reasons. Sometimes comments are made about matters that are in court and, if approached, the response is, "That is before the court and we cannot really comment on it." Does that answer your question?

MS ORR: Yes; that answers my question.

MR CAIN: I have a final supp, Chair.

THE CHAIR: The last one.

MR CAIN: Could you also include in that question taken on notice the directorate that the claimant was from? Thank you, Chair.

THE CHAIR: Ms Orr, do you have a—

MS ORR: I do not believe Mr Garrisson indicated whether he could take that on notice. Sorry to put you in the hot seat, Mr Garrisson.

MR CAIN: The directorate is just a factual part of the circumstance.

Mr Garrisson: To the extent that I am able, Mr Cain.

MR CAIN: Thank you.

THE CHAIR: I just remind you that we are not after personal details. Parliamentary privilege overrides claims of confidentiality, as I am sure you understand. If you are going to claim confidentiality, you would need to explain, using the public interest test, why that would be the case.

Mr Garrisson: Indeed, Chair.

THE CHAIR: Thank you. Ms Orr.

MS ORR: I think Mr Cain stopped Mr Garrisson part of the way through the initial line of questioning. You were talking about the advice you have given to the Integrity Commissioner on wellbeing, based on other cases. I think you were halfway through the answer and did not quite finish. I was actually quite interested in what you were saying. So, Mr Garrisson, if you can cast your mind back, I would be quite interested to hear the rest of it, if that is all right.

Mr Garrisson: That was in the very early days of the matter. We had already started to receive instructions from individuals who were seeking representation. Also, I have, admittedly, irregular or occasional dialogue with the Integrity Commission about any number of things. We, in fact, provide legal advice to the commission on certain matters. In the course of discussing how the issue of legal representation could work, we came to talk about what the terms of the secrecy notices would contain. At that point, there had already been some publicity about suicides in Victoria and, I think, in New South Wales that were directly linked to the conduct of or the outcomes of certain IBAC or ICAC proceedings. Of course, the commissioner was most concerned about that as well. The standard notice that is given to people has that additional exclusion within it. It also, of course, bears on the duties and obligations of employers towards their staff, so that the person who is a witness and may be experiencing psychological unwellness is able to talk to people about that very process.

Of course, all employers now have, or should have, well-entrenched processes for wellbeing to deal with trauma. I understand the committee heard from the DPP yesterday in relation to that. I have similar issues in my office in relation to some of the personal injury litigations that we undertake, but we also undertake all of the care and protection work on behalf of CYPS. You could almost take notice of the fact that it is going to include some very damaging and potentially harmful subject matters. It extends to not just the lawyers but also the support staff who are collating material and the like. We have been very focused on that as an ongoing issue.

MS ORR: Mr Garrisson, you say it is also a consideration for your office and officers in general. What sorts of things have you put in place to support those workers in your office?

Mr Garrisson: Noting that it had already been the subject of some discussion, I can run you through some matters that we deal with. We have vicarious trauma training, which was conducted for all legal support staff last year. It is a program that is in place this year for all staff. We have mental health first aid officers. That is a relatively new concept. Twelve of our staff are trained as accredited mental health first aid officers. Most of them are my practice leaders. We are developing a standard operating procedure for psychological safety, basically dealing with the environment, in the context of the office and the work that people are undertaking. We have a mentoring system in place for our staff. They are assigned a mentor on commencement. But we also have, as part of our governance and accountability, that, when a matter is allocated to a lawyer—normally it will be allocated by the practice leader—there will also be a more senior lawyer allocated to do the second counselling; that is, to review the work, to talk to the lawyer about how it is progressing and to deal with any assistance that may be required.

We have a practice of mobility within the office. Most of our lawyers will rotate to a different practice area, generally every couple of years. Some who have been there for a long time stay in the same spot and do the same work. They have been there for long enough that it is appropriate for them. Even some of my most senior people are moved to different practice areas. That is good, not only for their professional wellbeing but also for their mental wellbeing, because they take on a new challenge and deal with different areas of activity. That is about it.

MS ORR: Thank you. Thank you, Chair.

THE CHAIR: Miss Nuttall.

MISS NUTTALL: Thank you. More broadly, the Integrity Commission indicated that there is a policy gap in the Legal Services Directions on determining whether the ACT government will fund legal services for ACT public service members who are subject to an Integrity Commission inquiry. What criteria do you currently apply when considering whether someone, who has requested it, will have their legal services covered by the territory?

Mr Garrisson: The first issue is: is it directly related to their employment—the performance of their duties and functions? In the instances that we have had with the

Integrity Commission, that is generally the case, if it arises directly from the performance of their duties or functions, or did apply to them—for example, some former employees have been asked to give evidence. I hasten to add that it can often be something as simple as a notice to produce a document—nothing more, nothing less. The assistance will often be a 10- or 15-minute conversation with one of my senior lawyers, and they will produce the document and that is it. Others can obviously be far more complex when a witness is a more critical person to the conduct of the board of inquiry. This goes to some of the fundamental principles that underpin the question of the representation of persons before boards of inquiry. It starts with the obligation of the territory, as the employer, and, of course, questions of vicarious liability on the part of the territory for that employer's actions.

It is also particularly important in relation to a particularly significant matter, where the cost of representation for a person would be beyond their reasonable means. You have to balance that with the essential character of an inquiry, whether it is the Integrity Commission or a board of inquiry. We had one of those recently. That is an obligation on the government to ensure that people who are participating in an inquiry are able to do so effectively. To do so, you will more often than not need legal representation. I have already touched on the impact that participation in an inquiry of this character can have on individuals. Therefore, legal representation forms an important part of providing security for an individual to be able to participate in the process with confidence.

THE CHAIR: Miss Nuttall.

MISS NUTTALL: I have a supplementary. In light of a few things that have happened in recent times, are you currently reviewing the policy gap that the Integrity Commission has identified?

Mr Garrisson: I did note the observations of the Integrity Commissioner in that regard. The Legal Services Directions are fit for purpose. They do their job. From our lived experience, particularly over the last 18 months, doubtlessly some enhancements could be made to them. I have discussed with the Attorney how we might do that. Do not forget, as I have indicated, the question of legal representation, which has been chugging along quite happily for the last 30 years, has been put under a little bit of pressure because of literally two matters that have come to light. Those are two matters out of a much larger number which have proceeded without any great difficulty. Does that help?

MISS NUTTALL: Thank you.

THE CHAIR: Mr Cain.

MR CAIN: Thank you, Chair. Minister, as you are aware, the Integrity Commissioner has an investigation named Operation Athena which involves an alleged conflict of interest issue involving the Commissioner for Fair Trading.

MS ORR: Is that publicly available information?

MR CAIN: It is something that the Attorney-General shared with us last year.

Operation Athena, which was presented to another committee by the Attorney-General, involves a claim of conflict of interest involving the Commissioner for Fair Trading. Are you aware of that investigation?

Mr Garrisson: I am aware that the matter was alleged to have been referred to the Integrity Commission, but, for reasons that I cannot disclose, I am aware that that is in fact in train. For me to comment any further on that would cause me some difficulty because of the confidentiality obligations under the Integrity Commission Act. Chair, I claim public interest protection in relation to that.

THE CHAIR: Can you specify the harm to the public interest?

Mr Garrisson: The disclosure of material in relation to an ongoing investigation by the Integrity Commission where no final report has been provided.

MR CAIN: I have a few supps, Chair. Without disclosing the information you think is in the public interest not to disclose, are you aware of a draft Integrity Commission report being circulated?

Mr Garrisson: Chair, really, this goes well beyond what I think should properly be asked.

MR CAIN: I have a couple of other supps. I am sorry—

THE CHAIR: Keeping in mind the—

MS ORR: We could go in camera if we are going—

MR CAIN: You could answer the questions one way or another.

THE CHAIR: We—

MR CAIN: It is up to—

MS ORR: I do not know that we can if we go in camera. It is just for committee members, isn't it? I appreciate Mr Cain has supplementaries. Mr Garrisson has already given a pretty full account as to why he cannot talk about the matter at all. I am not sure a line of inquiry is going to be useful.

THE CHAIR: Yes. I think we are going to have the same answer, Mr Cain, no matter what you ask on this matter.

MR CAIN: My question is very generic, very general.

THE CHAIR: All right. We will give it a try and we will see.

MR CAIN: Were you interviewed by the Integrity Commission?

THE CHAIR: No; that is not a general question; that is a specific question. We shall move on. In fact, we are pretty much out of time. Do you have anything else, which is

not going to impinge on the Solicitor-General's confidentiality requirement, on the Integrity Commission?

MR CAIN: Chair, on a point of order: regarding the claim of confidentiality in the public interest, is that something about which the Solicitor-General should actually provide some justification to this committee?

THE CHAIR: He did say that, and the committee determines whether it is satisfied with that public interest explanation. It is a decision of the committee.

MR CAIN: Thank you, Chair.

THE CHAIR: We will call it quits there. Thank you very much for your appearance today and for taking any questions on notice. I think you have.

Mr Garrisson: Just the one, I think, Chair.

THE CHAIR: Could you please provide your answers to the committee secretary within three business days of receiving the uncorrected proof *Hansard*. Thank you again.

Mr Garrisson: Thank you, Chair. Thank you, members of the committee.

Short suspension

Evoenergy
Billing, Mr Peter, General Manager
Hinch, Mr Leylann, Group Manager, Strategy and Operations

THE CHAIR: Welcome. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Please confirm that you understand the implications of the statement and that you agree to comply with it.

Mr Billing: Yes, I understand.

Mr Hinch: I understand the privilege statement.

THE CHAIR: Thank you. We will move straight to questions. I want to ask, firstly, about unplanned outages—something that gets raised a bit when we are out and about in the community. Can you give us an indication of some of the major reasons for unplanned outages? I guess they are chunked up into categories.

Mr Billing: Yes. There can be a number of causes. Just to confirm: are you asking holistically about our network?

THE CHAIR: Yes.

Mr Billing: The overhead network can have things such as vegetation, other airborne debris and so on that might come in contact. Animals, birds and even possums and those sorts of things occasionally can get on there. It can be associated with equipment failure, and that is relative to both the underground and the overhead network. Both the underground and the overhead network can have impact from vehicles. For example, whilst our cables are underground, most of the physical assets, such as transformers, switching stations and other connection points, are all above ground, so they are susceptible to being hit by a third party.

Vandalism is something that happens on occasion as well. Things as simple as bike chains can be thrown over overhead powerlines and cause the powerlines to clash together and the power to go off. We have had cable cut down—somebody literally cutting an existing live cable—a high-voltage, live cable being cut down.

MS ORR: That surely cannot be a very good thing.

Mr Hinch: Not a very safe thing.

MS ORR: No. Do not do that.

Mr Billing: It is an extremely high-risk thing. There can be a number of things. If I may add, our network in the ACT is quite a high reliability network. We are in the top quarter of all networks that are regulated in Australia. We do, overall, have good reliability, and part of that is because about 60 per cent of our network is underground.

THE CHAIR: Have instances of unplanned outages increased, decreased or stayed

about the same over the past 12 months?

Mr Billing: Over the past 12 months, across the whole network, they have stayed probably about the same. In certain areas, though, such as Gungahlin, for example, they have increased. That is not uncommon. It can be that we will have some issues in a particular area that might have a series of causes. We identify what the root cause is and fix them, and then we do not have any further problems, or limited problems, into the future.

We have two measures that are part of our regulatory framework that we have with the Australian Energy Regulator. They are around the number of outages, on average, that customers have been impacted by and the duration. It is both the number and the duration, and it is an average across all of our customers. In the last 12 months the duration of outages has improved from the previous two or three years—at least two years—and the frequency has been around the same. It was just a fraction higher this year than it was last year.

THE CHAIR: You mentioned Gungahlin. Why would there have been a few more in Gungahlin?

Mr Billing: In the six months of this calendar year, we have had a series of outages across what we describe as feeders, coming from our zone substation. Think of the road network. You have a starting point, and major roads go out and then they become smaller. With the major underground cables that come out, we have had some failures. We have done some investigation around them. Part of it is load related. We have seen quite an uptick in the amount that customers are consuming. That is what I mean by load. We have seen quite an uptake over this last 12 months in particular, but it is a bit of a more holistic trend that we have seen over the last three years. Our network, in the past, has been a summer-peaking network, predominantly driven by air-conditioning load in the summertime, people getting that cooling impact. For the last three years in a row—and I think they have all been in June—

Mr Hinch: In June; yes.

Mr Billing: we have actually seen a winter peak, which is the first time. Our network is moving from being a summer-peaking network. All the other distribution businesses—South Australia, Victoria, New South Wales, Queensland and Tasmania—are summer-peaking networks. We have now moved to being a winter-peaking network, which is something quite new.

THE CHAIR: You mentioned that the duration has improved. What is the average time it takes to rectify unplanned outages?

Mr Billing: I am not sure. Do you know the minutes, off the top of your head, across the whole network?

Mr Hinch: On average, it is in the high 30s; 37-odd minutes is the average. For an individual outage, it might be shorter or longer. It depends on whether we have got remote control from our control room to switch the network around and restore customers. In some of the older areas, where we do not have those facilities

widespread, it relies on us having staff attend the site to make sure it is safe and then restore supply. The overhead network is much more visible. You can drive along; you can see it. With the underground it is much more difficult to locate where the actual issue is. It could be part of the underground cabling, not at one of the connection points, and therefore take significantly longer to restore. It could be up to two hours to get customers back.

THE CHAIR: Is part of that rain-related? Are there water issues?

Mr Billing: Predominantly, no. We do not really have any flooding issues or those sorts of things, as a general rule. There will always be an occasion here or there, but predominantly we do not have water ingress into our cables, for example, or our componentry being submerged in water due to rising groundwater or those sorts of things.

THE CHAIR: How do you decide? I know of some instances where people have been provided with a little generator outside their house. Do you have a duration at which you say, "We will give you a generator"? Is it more than a day, or—

Mr Billing: It will depend on the customer. We do not often do that. If we were to have a life support customer who was impacted by our network, and the best thing for the customer was to stay at home, rather than attend a hospital or something like that, then we might consider it in that circumstance. Occasionally, we consider it for a business as well, where it is critical that they are able to get back up.

To add to the question that you asked Mr Hinch, what we try to do when we get an outage is isolate the fault. We get a section of line, whether it is underground or overhead, that has an unplanned outage. We will try to isolate what the fault is and get as many customers back as we can, and then start looking at the repair. You might get a small number of customers—20, 50 or 100—that have a more extended outage, but if it has impacted, say, 1,500 customers, we would get the vast majority of those back quite quickly. It is quite common practice across all networks to try to limit the impact on the big number of customers. Ideally, in a lot of cases we are able to leave the faulted piece of network completely de-energised, get all of our customers back and do the repair in the next two or three days.

MS ORR: I want to pick up on the Gungahlin power outages, which I am sure, Mr Billing, will not come as a surprise to you, given that that is my electorate. As you know, there have been a number of unexplained outages, particularly in the northern suburbs of Casey and Taylor—and Moncrieff and Ngunnawal to a lesser extent—over this last winter period, which I know you said was the first time you have experienced the level of demand that you have had for a winter period. I appreciate that you have put up on your website and Evo has communicated to people that they are addressing the issues and looking at it.

Mr Billing: Yes.

MS ORR: The feedback I get is that everyone would like a little more information about how you are responding to those issues. They are seeking some assurances that this is not going to continue. Can I get an overview from you of what Evo has in place

to address this.

Mr Billing: Certainly. Thank you for the question. I will start at the top. As a regulated business, each five years we go to the regulator and say, "Here is the plan for all the things we intend to do in the next five years." They look at it and make sure that it is both prudent and efficient. "Prudent" means are we gold plating or are we just doing what we need to do and being efficient?

THE CHAIR: Which would never happen.

Mr Billing: No.

MS ORR: The regulator would not allow it.

Mr Billing: So we do that. We are in a new regulatory period, which started on 1 July this year. At Gold Creek we have a zone substation. That is where we take 132,000 volts, as our subtransmission or transmission network, and we convert that down to 11,000 volts, which then goes around to our transformers and becomes 240 to 415. We identified that we need to put a third transformer there. What that will do is increase the total capacity available in the broader Gungahlin area, which picks up the areas that have had outages this year. That is one thing that sits in our budget and our allowance.

The next thing is that we identified two additional feeders to go into that area, against the line that goes from that zone substation out. One of those goes to Gungahlin town centre and the other to Franklin. We also identified one or two reliability projects. Leylann mentioned that ability to switch customers back on more quickly, remotely from our control centre. There was a project associated with that which enables us to get customers back quickly.

Since we have had the series of outages across the first six or seven months of the year, we have also started to identify some additional works where we can spread the capability of all the lines we have got in those areas. We are currently evaluating those. We think that, with the combination of those bigger picture plans, plus the work we have done out of the repairs that we have done and the additional works that are coming up, we should see reliability go back to very acceptable levels for all the customers in that area.

MS ORR: I guess the question to you that I would get from my constituents if I went back and explained that very comprehensive answer is: how quickly is all this happening?

Mr Billing: We feel that we have dealt with all the immediate issues very much now. We have done a lot of analysis; we have done a lot of checking to find areas that might have signs that they could become a failure. We have done that to make sure that the area is in a stable situation and relative to loads. Loads have had winter peaks in June. Usually, it is more of a build-up of load over a period of time, a series of cold days.

MS ORR: It is not like that one person puts a kettle on and that breaks it.

Mr Billing: Exactly; yes. We feel like we have got a far better distribution of those customer loads on all those areas now. We feel that is quite solid. We are still having a weekly stand-up meeting to monitor all the signals that we are getting and all the actions that we have got underway. We feel that in the short term things have settled. What will undo that is if a car hits something and the power goes out—those things that we do not know about. But, generally, it feels okay.

Then we have the one project I mentioned earlier, which Leylann referenced as well, that will be completed probably in the next four months. Then the next project we have got on the way will be about a 12-month project, once that is approved. That will involve some environmental approvals and will need a DA and BA, and so on, to get it in place, because we will put some network into areas where we currently have low-voltage network but not high-voltage network.

MS ORR: Noting that electricity is a science and you can never be 100 per cent sure of anything—99.9 per cent is the best we are going to get—do you have confidence that, given that we are past June, in the next peak in the summer and then again by the next winter peak, next June, there will be an improvement in the reliability?

Mr Billing: Yes, that is what we believe right at the moment, subject to seeing a signal that we did not anticipate. We met yesterday afternoon as part of that weekly stand-up meeting. We have to verify the two particular feeders. The names we give the lines that we have been talking about are Birrigai and Saunders. We have a stand-up meeting on that. We met yesterday. We will continue to monitor. We have we have made some additional staff available for call-out in case there is a problem, which is a advantageous across our whole network, of course. We will continue to monitor that until we really feel confident that that we have ticked every box available to us.

MISS NUTTALL: Would you be able to confirm for us who your corporate owners or shareholders are, other than the ACT government?

Mr Billing: Certainly. ActewAGL Joint Venture has two key components to it. One is a retail business, which I am not representing at all. It has 50 per cent ownership by Icon Water and, as you have said, the ACT government, and AGL. The distribution business that I am representing is jointly owned by Icon Water and Jemena. I apologise; I do not know their correct title off the top of my head. Jemena is 60 per cent owned by State Grid China and 40 per cent owned by Singapore Power.

MISS NUTTALL: Given those elements of ownership, are shareholders based within those countries, in China and Singapore respectively?

Mr Billing: I would assume so. Our relationship is with our directors. The managing director of Jemena is based in Melbourne. As for the deputy managing director, I cannot say. I think he is based in Melbourne, but I do not actually know. He is based in Australia. I know that it is either Melbourne or Sydney. I just do not know where physically he is based.

MISS NUTTALL: These are companies with fossil fuel interests; am I correct?

Mr Billing: Yes, they are. Yes, that is correct.

MISS NUTTALL: Understanding that energy is a big part of your operations, as an energy company do you think it is also important that our energy policies, where we get our energy and making sure it is clean is reflected in the company's ownership?

Mr Billing: As Evoenergy, or the ActewAGL distribution, we are owned by two companies who have been part of the joint venture for a number of years. We do not control who they are or where they are or what their other interests are. We do not have any direct control over that.

MISS NUTTALL: Thank you very much. That is my point.

THE CHAIR: In the ACT we have the government's policy to switch away from gas to electricity. Do you have data on the number of homes in the ACT that will have to upgrade their electricity connection as a result of moving from gas?

Mr Billing: I do not think I am in the position of going against the privilege statement, but we have approximately 140,000 customers in the ACT. Some of those customers are non-consuming. That could mean they are on leave or have left the country for 12 months and are coming back home or are not living at home at the moment. It could be that they have made a transition away from the gas network and will never consume again. Nominally, each of those customers would need to convert to electricity over the next 20 years.

THE CHAIR: My question is not so much about converting from gas to electricity. I have heard that some people have been told they need to upgrade their electricity connection as a result. It is not just switching but spending money to upgrade their—what do you call that box?

Mr Hinch: Switchboard.

THE CHAIR: That is my question.

Mr Billing: That will very much be determined by the individual customer and what their requirements are as they do that switch. It may be possible that there is no upgrade required, all the way through to quite a significant upgrade, depending on the series of appliances they choose, relative to what they are using now.

There will be customers, for example, who perhaps have gas space heating now but also have reverse cycle air-conditioning for their cooling needs. They will find that they can turn off their gas space heating and will not need to do any conversion because they have already made that, as part of having reverse cycle air-conditioning in their home.

It is a question that we do not really know the answer to in total. We assume that there will be quite a number that will have to do some form of upgrade, either to their switchboard or to their connection, but the actual volume and what it will look like will be down to the decisions each individual customer will make around what

conversion looks like.

THE CHAIR: So it is not necessarily about the age of the home?

Mr Billing: Not directly, but indirectly it will be. If a home was built in the 1960s or 1970s, for example, it would not have a lot of the electrical appliances that most people are putting into a modern home now. If the assumption is that that is the sort of thing they would do, it is very likely that they would need to upgrade. Again, that will be very much a case-by-case thing to work through.

MISS NUTTALL: I am curious to hear about your response to the legislation that prevents new gas network connections.

Mr Billing: We are complying with that. We are providing reporting back to EPSDD as part of that process so that they can monitor that, when we receive an application, we have done what we should do with the application. As you would be aware, there are some exemptions and there are some time frames associated with that. We are providing the reporting that can verify that we are completely complying with the legislation. We have put the processes in place to ensure that we meet all the outcomes of the legislation.

MISS NUTTALL: Great to hear. Presumably, you have very little new gas infrastructure to build in new areas now; would that be a fair assumption?

Mr Billing: In the vast majority of cases. We have looked at it and looked at what our capital expenditure has been, to ensure that we minimise any activities. You would appreciate that we need to maintain a safe and reliable network for those customers left on the network, year in, year out, until there are no customers left. It could be possible that we need some capital expenditure to maintain the reliability or the security of the network, but we are trying to avoid that where we possibly can.

MISS NUTTALL: Thank you. Is it the case that you are not building any gas infrastructure in the new Molonglo town centre, given that it is going to be completely gas-free in both residential and commercial buildings?

Mr Billing: I do not know the specifics, but the general answer is: no, we are definitely not. We recognise that any development of our infrastructure will go to no customers, so at that principal level there is no expansion of the network at all.

MISS NUTTALL: Thank you. That is very helpful.

THE CHAIR: I want to go back to my question about the switchboard. Do you have any information on the average cost that it would take a household to upgrade their switchboard?

Mr Billing: No, we do not. The switchboard is a customer asset and not something that we are specifically across. When our technicians have had need to go to a customer for whatever reason—perhaps it is a power outage—and there is a problem with the switchboard, we have seen different styles of switchboards. Some we know will not be compliant under new regulations and so on. We would imagine that there

are likely to be upgrades there, but, no, we do not have any figures around that.

THE CHAIR: When we talked about Gungahlin, partly it was about load, I think. For the new customers who may come on board for electricity, moving away from gas, what implication will that have for the demand? Are you prepared? Is this part of your planning for the next five years? What are you doing about that increased load?

Mr Billing: I think the short answer is: part of our submission is to estimate what we believe the likely load increase would be in the five-year period that we have just started. In the five-year period starting 1 July 2019 we had a capital program that had five new feeders—the lines I described earlier. In this regulatory period that is 22, so that is quite a significant increase. That is based on our estimated demand and that load growth that will happen across this five-year period.

It is our best educated guess. That has been scrutinised by the Australian Energy Regulator to make sure that, as I said, we are prudent and efficient. What we do not know is the number of customers that we are broadly estimating will convert. Do we think that is too many or do we think it is not enough? That is the bit that we do not really know. It is, as you are well aware, a customer-led transition, so the question is: what does each individual decide to do in this period and will it go faster or slower? What we will do, though, is monitor those loads across the five years. If it is likely that it is going faster then we will see what additional investment we will need to make.

THE CHAIR: Thank you.

MISS NUTTALL: What would your plans be for the gas network as it does become unused over time? For example, what are you going to do with a lot of the infrastructure that is in place?

Mr Billing: The vast majority of infrastructure that is in residential streets is quite small in diameter. It is not a lot of use for anything else because of its diameter. To pull telecommunication cables through it, for example, is not that practical. That is, in effect, a plastic network. There may be some possibilities for the steel network that feeds into it. The key is that, being a steel network, over time it will corrode and could collapse. If there is not an alternative use, there is a standard by which you must backfill it with grout—not quite the same as we put between our tiles—to ensure that if it does rust away over time you do not get subsidence from it collapsing. All the above-ground components can be decommissioned. If there was a need for them, potentially they could be sold to be used in a gas network somewhere else.

THE CHAIR: This may be completely off the track, but can it be used for a hydrogen network?

Mr Billing: Yes, it could be. Hydrogen could be used as a source of energy. The network could not be used to have hydrogen in it to fuel motor vehicles. That is because there will be a degree of impurities that cannot go into a hydrogen engine. But it could be quite easily used in other appliances and other circumstances.

THE CHAIR: Thank you very much for your attendance today. It was very

interesting—may I say, far more interesting than I thought it was going to be! No offence. If you have taken any questions on notice, please provide your answers to the committee secretary within three business days of receiving the uncorrected proof *Hansard*. The committee will now suspend proceedings for afternoon tea.

Hearing suspended from 2.29 to 2.45 pm.

Appearances:

Rattenbury, Mr Shane, Attorney General, Minister for Consumer Affairs, Minister for Water, Energy and Emissions Reduction and Minister for Gaming

Justice and Community Safety Directorate
Glenn, Mr Richard, Director-General
Williams, Ms Kelly, Acting Deputy Director-General, Justice
Ng, Mr Daniel, Acting Executive Group Manager, Legislation, Policy and Programs Division
Marjan, Ms Nadia, Acting Executive Branch Manager, Civil and Regulatory Law Branch, Legislation, Policy and Programs Division

Chief Minister, Treasury and Economic Development Directorate
Bassett, Dr Louise, Executive Branch Manager, Fair Trading and Compliance, Access Canberra

THE CHAIR: We welcome Mr Shane Rattenbury MLA, the Minister for Consumer Affairs and Minster for Gaming, and officials. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered a contempt of the Assembly. Can you please confirm that you understand the implications of the privilege statement, on the pink sheet, and that you agree to comply with it?

Ms Williams: I have read and understand the privilege statement.

Mr Glenn: I have read and acknowledge the privilege statement.

Mr Ng: I have read and acknowledge the privilege statement.

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

THE CHAIR: If you take a question on notice, please say, "I will take that question on notice." Mr Rattenbury, do you want to make a brief statement?

Mr Rattenbury: Thank you, Madam Chair. On Tuesday, when I appeared before this committee, I was asked a specific question about the name of the piece of legislation containing section 56. At the time I said it was the Crimes (Sentencing) Act. It is in fact the Crimes Act. I wanted to advise the committee of that minor but important error.

THE CHAIR: Thank you. We will move on to questions. Mr Cain, I will give you my question, but can you keep in mind the comments that were made in the previous session about confidentiality.

MR CAIN: Thank you, Chair. Minister, do you know whether the draft report for the Integrity Commissioner's investigation into an alleged conflict of interest, called Operation Athena, has been available?

Mr Rattenbury: I have no knowledge of that report, Mr Cain; of its current status, I have no knowledge.

MR CAIN: Minister, have you been interviewed as part of Operation Athena?

MS ORR: Chair, at the very least, we should consider doing this in camera, which I know is problematic, given that Mr Cain would have to leave. I am deeply uncomfortable, when there is an investigation before the Integrity Commission that has not been made public—other than, from what I can tell, the name of the inquiry and the general topic of the thing being looked into—with having a member then go out and ask—and this is the second time it has happened—whether someone has appeared before or been approached as part of that investigation. I am deeply uncomfortable, and it is starting to put us into some pretty questionable territory.

MR CAIN: If I may, Chair, it is up to the minister to respond according to the—

MS ORR: No, it is not. I can call a point of order as to what is appropriate on a question.

THE CHAIR: Indeed, as a member of the committee. Are you asking for us to go in camera? What is your point of order?

MS ORR: Do you want me to give you a standing order, Chair? Is that what you are asking for, or do you want me to answer more clearly? I do not think this is an appropriate line of questioning given that it goes to matters that relate to the Integrity Commission and confidentiality around that. Chair, if you disagree with my view, I would ask at the very least that we go in camera while we look at what information comes out of the committee, and to make an educated decision as to whether it does need to be—

THE CHAIR: Mr Cain, we are going to have to stop that line of questioning about the Integrity Commission report. I do not think we should be talking about something that has not been publicly released, other than matters that are very much in the public domain.

MR CAIN: What is in the public domain is that Operation Athena involves a conflict-of-interest question, and I am—

MS ORR: Chair, I have another point of order on Mr Cain's question. I find that question a little bit worrying, again. I have looked at the transcript that was referenced in the previous hearing, to find out what information is in the public domain, and the line of questioning was from Mr Cain. It is pretty disingenuous that he would sit here and say he does not know what is in the—

THE CHAIR: In the previous hearing, last year?

MS ORR: Sorry, Mr Garrisson. With respect to the previous hearing—the transcript that Mr Cain referred to, when I raised this point of order regarding Mr Garrisson—I have now looked at the transcript, which was from 13 November, during the JACS annual report hearings. It was Mr Cain's line of questioning, so I believe he knows the

answers to the point he was making.

MR CAIN: I have the transcript from 17 November. I do not know whether that is the one you are referring to, Ms Orr.

MS ORR: I have one here from the 13th.

MR CAIN: Again, my questions involve something that has been stated by the Integrity Commission as involving a conflict-of-interest issue. I am asking the minister whether he has had any involvement or been interviewed with respect to that matter.

MS ORR: That is where you are crossing the line, Mr Cain, because you are now asking someone who may be appearing before a confidential Integrity Commission inquiry essentially to out themselves on the public record. It is not appropriate.

MR CAIN: I am not quite sure what you mean by "out themselves". Again—

MS ORR: To identify that they are a witness in a confidential proceeding.

MR CAIN: The standing orders do provide parliamentary privilege for some of these matters.

THE CHAIR: We will nut this out in a private hearing, if everyone can leave the room briefly while we come to a decision, rather than going back and forth—including you, Mr Cain. You are not a member of the committee.

Short suspension.

THE CHAIR: On behalf of the committee, I believe that it is not in the public interest to ask the minister or officials to disclose information relating to appearances et cetera in front of the Integrity Commission, so we will be discontinuing that line of questioning, Mr Cain. Please do not persist with questions about whether a report has been seen, who is appearing and who is not appearing. We will move on to a question from Ms Orr.

MS ORR: I am happy to throw to Dr Paterson, Chair, for my question.

DR PATERSON: Minister, at the beginning of the year, you held the market-sounding process for the costing of the central monitoring system. Could you let us know how much this system will cost? What were the quotes that came back through the market-sounding process?

Mr Rattenbury: I have sought advice on that from the agency, and the advice I have is that it is not normal to disclose that information, both from a procurement point of view and a probity point of view, and that there is a risk of undermining a future procurement process. These are inputs that have been provided by these companies on a confidential basis, and I am not a position to disclose that.

DR PATERSON: What about the public interest?

Mr Rattenbury: Perhaps Mr Ng can explain the existing rules in more detail.

Mr Ng: The advice that we have taken from within government is that it is not regular to fully disclose the outcomes of market-sounding processes. There are two considerations there. One is that, as the minister has indicated, it may prejudice future competitive activities of government. To the extent that government is seeking a best-value-for-money proposition, if and when it does go out to market, the disclosure of the costs that have come back in the market-sounding process may prejudice the outcome of those. The other part which is a factor in the disclosure of the precise responses in the market-sounding process is that some of the organisations which have submitted a response to the market-sounding process may have commercially sensitive material that they have submitted back.

That process was a research exercise, and one which was intended to support government with a better understanding of the capacity of the market to deliver a product of the nature of the central monitoring system. Part of the technical investigations that that process was intended to elicit may contain commercially sensitive information for some of the organisations which submitted a response.

THE CHAIR: Minister, are you claiming confidentiality, and can you explain the harm to the public interest that could result if you disclose that information?

Mr Rattenbury: I think the points that Mr Ng has just made are the key points that I would rely on. There are some answers that I can provide. I will endeavour to do so as the questioning goes on. I think the points that Mr Ng has just made are the ones that I rely on.

THE CHAIR: Can you explain where the harm would accrue from providing that information as confidential evidence?

Mr Rattenbury: Again, it goes to the points around confidentiality of commercially sensitive information. It is the same approach that the government has taken on, for example, the light rail contracts. Mr Steel has provided an extensive explanation of the same matters around the importance of government achieving value for money for taxpayers in the ACT if we are to go to procurement.

DR PATERSON: Minister, I recently FOI-ed some documents on the central monitoring system, and some of the advice through those documents stated that the government does not have to go through a procurement process to procure a central monitoring system. Knowing that it is actually quite a different process from the light rail process, and going to your comments before about not being able to fully disclose, is there some level of disclosure that you can provide to the committee about what this will be costing, given that the entire parliamentary and governing agreement gaming reforms are premised on the cost of this monitoring system?

Mr Rattenbury: I am currently seeking advice on what information I can release. I do not have that available at this time.

THE CHAIR: You have said that even providing the material confidentially may not

be in the public interest. Can I remind you that public interest overrides claims of commercial confidentiality? I will ask the committee whether we wish to deliberate in private or whether we are satisfied with the minister's explanation.

MS ORR: I am satisfied with the minister's explanation because I understand the procurement process is underway; is that correct?

Mr Rattenbury: Not at this point in time. The government is currently taking a decision on how to use the information that has been provided to shape the next steps.

MISS NUTTALL: I am also satisfied with the explanation.

DR PATERSON: At the beginning of this process there was lots of discussion that a CMS in the ACT would have a similar costing to that in Tasmania of $70 million. You recently came out publicly and said that the market sounding had shown about half the expected cost. You are willing to make comments like that publicly about the cost. Why can you not disclose even a range for the committee, in terms of what it would cost? You know full well that saying that it was half the cost is very leading in terms of what it may cost.

Mr Rattenbury: The information I was trying to convey there was that what the market sounding has usefully revealed, as part of the research that Mr Ng was referring to, is that the ACT will not need to replace machines across the board, and that will substantially reduce the proposed cost of it. I am trying to convey what I can. That is why I have spoken about it in very general terms. The positive news has been that the early research undertaken by the agency indicated the necessity of replacing a lot of machines. The new advice, the new information, is that that will not be necessary, which does substantially reduce the cost.

THE CHAIR: Notwithstanding the committee's decision, I find it very interesting that you feel able to make a public comment about a ballpark figure, but you are unable to provide that information publicly or confidentially to a committee of the Assembly on a direct request.

Mr Rattenbury: As I indicated, there is some information I can provide, and I was getting to that, but I was asked a very specific question about a cost. I was asked to provide actual numbers. I have now tried to share with Dr Paterson the information that I can, to help the committee understand the issue. I am trying to walk that careful line between sharing what I can and respecting the concerns that Mr Ng has outlined.

DR PATERSON: Are you able to provide on notice the exact concerns, given that the advice I have seen is that it is not a procurement process? What are the exact concerns regarding disclosure of the cost?

Mr Ng: Dr Paterson, if I could pick up the point in relation to the nature of the exercise, yes, the consideration within government is that it would not necessarily be a procurement exercise. That does not necessarily obviate a process around ensuring that there is value for money out of the arrangement. There is a range of processes which apply to testing the market response, should government go out to market formally, to see what price points the market would come back at.

While it is not a procurement in the sense that government would be purchasing a product, in the sense of the Government Procurement Act, that does not mean there will not be a value-for-money process that is undertaken to ensure that the response to any formal market approach is the cheapest and best approach that is available.

MR PARTON: Mr Rattenbury, after the election in 2020, as was pointed out by Dr Paterson, this component was front and centre in the power-sharing agreement. I think there was an expectation from many, probably including yourself, that we would be much further forward in this process now than we currently are. What has been the biggest single stumbling block in the process to implement a central monitoring system?

Mr Rattenbury: Mr Parton, there have been a number of things. First of all, the agency has done extensive research and consultation. That has taken a fair amount of time, as I have canvassed with this committee before. Understanding the technical answers has been a significant part of it. The second key time cost has been internal government decision-making processes, stepping through cabinet subcommittees and the like.

MR PARTON: I am very familiar with dealing with hypothetical numbers in regard to projects of this government. Certainly, based on the media comments that Dr Paterson referred to, the ballpark figure that I am working on, whether or not you are prepared to say it, is somewhere between $35 and $70 million. I do not want you to confirm that. What is the expectation from you as to how that will be funded? Where is that money coming from?

Mr Rattenbury: There are a number of ways it could be funded, in terms of both time and source, if I can put it that way. The time factor, for a procurement like this, is that you can operate on a model that is not unlike the one for light rail, as it happens. Essentially, it is a fee for service over time, so the provider would pay for the installation, to avoid up-front costs for the industry, and that gets amortised over anywhere between a 10 and 20-year contract, on a monthly fee basis, for example, and the machine operators would pay for that.

MR PARTON: The clubs would pay for it over a period of time?

Mr Rattenbury: Potentially, yes, that is one model. There are a range of models. Government could pay for the capital costs up-front and the clubs could pay the ongoing service fees. There are a range of different models available.

MISS NUTTALL: Why did you pursue the option of proposing a central monitoring system in the first place?

Mr Rattenbury: The government has undertaken extensive research, and what has come back is that a central monitoring system is the backbone that permits the critical harm reduction measures, such as mandatory precommitment and default loss limits. These are essential harm minimisation measures, and this harm reduction proposal enables individuals to be supported towards a low-risk gambling environment.

We are the only jurisdiction in Australia that does not have a centralised monitoring system. There have been suggestions in this place before that it is a focal point. It is simply an enabling tool. It is a tool that provides the connection to enable a universal harm reduction system.

For example, what Victoria have learnt, when they brought in these measures, is that if you do not have a universal system, somebody will just walk out of one venue, having hit their limit—the casino, for example, has limits—and they will walk into the next venue and resume their gambling. If they have put in place a precommitment, and they then reach that limit, they are able to go somewhere else. It becomes a reasonably self-defeating system.

MISS NUTTALL: Are there alternative models for proposals for regulating the practices that have been promoted to the community, and what would be your assessment of those alternative models?

Mr Rattenbury: Certainly, this is the proposal that I have put forward to the community. It is supported by a range of key organisations. All of the experts in advocacy support a model like the one I am putting forward to the government. ACTCOSS said that earlier in these hearings. The Canberra Gambling Reform Alliance has supported it. The national Alliance for Gambling Reform has supported it. The ANU Centre for Gambling Research supports it. That is the basis on which we have put forward this proposal.

MISS NUTTALL: What is the reception by harm reduction advocates to a CMS, particularly with carded play and mandatory loss limits? We spoke about it broadly, but what about specifically on those points?

Mr Rattenbury: Certainly, the advocates make the point that if we are to really curtail risk in the gambling environment, having loss limits, some sort of description of what those limits should be and making them universal are the critical features. It goes back to my earlier point: if you can simply walk from one venue to the other and keep going, you have a system that is full of holes. That is the important point and that is why they think being able to link up the machines is so important.

DR PATERSON: Minister, do you understand why the clubs sector and many of us are confused about this situation, when we started this conversation around bet limits and load limits as part of the parliamentary and governing agreement? To do that, you needed a CMS.

Mr Rattenbury: Yes.

DR PATERSON: In a recent gambling symposium you quoted ANU research saying that bet limits and credit limits resulted in little to no reduction in gambling harm. As a starting point, have you abandoned bet limits and load limits as a policy in the ACT?

Mr Rattenbury: I understand that this is a difficult space for the Labor Party, who are impossibly compromised by the fact that they own more than 400 poker machines in this city and take over $20 million a year in gambling losses from the gambling community.

DR PATERSON: That was not my question.

Mr Rattenbury: So I understand the difficult space that you are in.

THE CHAIR: I cannot direct the minister on how to answer.

Mr Rattenbury: That policy position was based on the best advice that we had prior to the 2020 election. Having looked further at it, the advice that is coming is that there are better ways to approach this. I have been open enough to receiving new advice and, evolving an understanding of how this space works, to take that advice from the key advocates.

DR PATERSON: What measures specifically did you go to the market sounding with the CMS proposal to see implemented in the ACT?

Mr Ng: The directorate is being funded to investigate and explore the feasibility of the introduction of a central monitoring system. I think that is reflected in the budget papers. The market sounding exercise was broadly to seek views from the market about the capability of the market to deliver a central monitoring system. There were a range of technical capabilities that we also sought advice from the market on about whether they could deliver as part of a central monitoring system.

DR PATERSON: Would you outline them for the committee?

Mr Ng: I do not have them directly at hand. I would be happy to take that on notice. I would take it on notice in the context, though, that, as we have discussed at length in this hearing, there are potentially limits to the extent to which we would disclose all the documents. I certainly have to take it on notice and see what we can provide.

DR PATERSON: Minister, do you understand that it is very difficult when no-one knows where we are heading or why we are heading in this direction and that a CMS has become the central point of this discussion, which it should not be? It is not a harm reduction tool.

Mr Rattenbury: I have never claimed it is a harm reduction tool. You are putting that argument, Dr Paterson. You have been the one who has made that public assertion. I have never made that public assertion. We are simply using this as a tool to facilitate harm reduction measures.

DR PATERSON: What harm reduction measures?

Mr Rattenbury: The harm reduction measures we are specifically focused on now are a mandatory pre-commitment, gambling losses and jurisdiction-wide player card gaming, to ensure that we can put those recommended harm reduction measures in place.

DR PATERSON: When did that change—going from bet alert limits?

Mr Rattenbury: Through the course of the research that we have undertaken in the

last couple of years.

THE CHAIR: Ms Orr?

MS ORR: The chair is indulging me, because I did not want to call a point of order. Minister, I appreciate that this is a topic that has had some of the more robust discussions in this place. But I think in one of your answers that you mentioned that the Labor Party owns poker machines. I think it is a little bit more nuanced than that. I think you will find it is the Labor Club that owns those. I just ask that, in the heat of the moment in answering questions, you try to take on the nuances that are there so we are keeping it all factual and well represented.

Mr Rattenbury: The opaqueness of that matter does make it challenging to get it just right, Ms Orr, but I will do my best.

MS ORR: Thank you.

THE CHAIR: I have a follow-up. I know that Dr Paterson was talking about how clubs find it uncertain not knowing what is going on, and I know Mr Parton has mentioned it often in his discussions with the clubs that they find it difficult to diversify because of the time it takes for development approvals and things to go through, so the clubs are in this constant state of not knowing where to go and how long it is going to take them to do anything. Do you have a particular view? Do you agree with that assessment by the clubs? How can we make it easier for them to move forward in this space?

Mr Rattenbury: I established the Community Clubs Ministerial Advisory Council at the start of this term to create an ongoing dialogue between the government and both the industry and harm minimisation advocates and also for them to be able to talk to each other—they are all represented on that group—in order to create dialogue and understanding. We have published many documents and we have had a range of working groups. There is a clear channel of communication.

On the point of diversification, in particular, I have certainly heard that feedback from the industry. I have approached the planning minister to provide a concierge to the clubs. One of the key bits of feedback to me has been that they find it very difficult to navigate the planning system and to find the right person to talk to. I have certainly worked with the planning minister to ensure that they have a central point of contact in order to be able to get that advice in a timely manner and work their way through the system.

MR PARTON: Do they have that central point of contact?

Mr Rattenbury: There was one appointed at one time. I am not sure that that still exists.

MR BRADDOCK: I am happy to allocate my substantive to this, because I was going to go down this line, and I think it is pertinent now. The CMS is not a new idea, is it, Minister? I am happy to table these documents for the committee. In the Fourth Assembly in 1999, the committee reported on the social and economic impacts of

gambling in the ACT.

THE CHAIR: Mr Braddock, are you saying that you might take that as your substantive?

MR BRADDOCK: Yes.

THE CHAIR: Thank you. So shall we move on and give you the opportunity to do that?

MR BRADDOCK: Yes.

MR PARTON: Minister, when considering measures for the reduction of gambling harm, what consideration do you give to the leakage of ACT gamblers to New South Wales?

Mr Rattenbury: That is a question that does come up often, Mr Parton. I think the responsibility we have as the ACT government is to do our best to have a model operating in the ACT that minimises gambling harm. So, we have to take responsibility for our own nest, if you like, to put it that way. Ideally, we will also work to coordinate with New South Wales. To that end, I have at various times spoken with New South Wales and our officials speak to New South Wales. They speak with a range of jurisdictions. I think it is fair to say that New South Wales is probably the most permissive regime in Australia when it comes to poker machine licensing and the least developed when it comes to harm minimisation measures. So that is a challenge for us, being surrounded by that environment.

MR PARTON: What did we learn as a jurisdiction in this space during that COVID period when our clubs remained closed for quite a number of weeks longer than New South Wales clubs?

Mr Rattenbury: There is evidence that has been provided that we saw an increase in revenue for the New South Wales clubs during that period. The more anecdotal evidence is people will say, "There were a lot of ACT numberplates in our car park." The industry certainly have data—which I do not have to hand—on the increase in revenue experienced by the Raiders in Queanbeyan during that period.

MR PARTON: So, based on your comments in the previous answer, there is no appetite from you as minister to attempt a closer harmonisation of our harm minimisation measures and our practices with New South Wales?

Mr Rattenbury: I think there are opportunities. I think there are different questions. There are technical questions and in New South Wales there is a CMS. We could endeavour to work with them on rolling that into the ACT, for example. So there are technical issues there. New South Wales are changing their operating system at the moment, as I understand it. Their underlying operating system will move across to the same basis as other states in Australia. So the ACT is going to have to move to some extent I think anyway, because much of the technical support that we have comes from New South Wales.

MR PARTON: On the basis of that answer, has there been any conversation whatsoever between this government and New South Wales? You have just indicated that New South Wales is updating their central monitoring system. Has there been any conversation about the potential inclusion of the ACT in that scenario?

Mr Ng: I would have to take that on notice, Mr Parton, particularly at the officials level. I would not speak for the minister.

MR PARTON: Please; thank you.

Mr Rattenbury: Yes; let me check that. I know the officials do talk to other jurisdictions at times, and I just do not know the answer.

MR PARTON: All right. Thank you.

MR BRADDOCK: As I was saying, the idea of a CMS is not new in that there is a 1999 committee report which looked into the CMS for the Legislative Assembly. The government response says that the recommendation was agreed in part, with further consideration required, and estimated the cost of a CMS at $5 million in 1999 dollars. We also have the Eighth Assembly in 2015 and the government's response to the Public Accounts Committee inquiry into the elements impacting the future of ACT clubs. Recommendation 33, "to investigate the feasibility of introducing a central monitoring system", was agreed in principle by then Minister Burch on behalf of the government. Despite 25 years, why is it the case that we still do not have a CMS?

Mr Rattenbury: There is a lot of history there that I am not familiar with, Mr Braddock, and some of that was even before even my time in the Assembly. I do not have a clear understanding of why it has not been introduced. Clearly there has been a sense that it should be. Every other jurisdiction has done it during that period. But, for some reason, the ACT has not gone down that path. Again, it raises the question of why not—particularly for Labor, who do have that impossible compromise with the Labor Club owning a lot of poker machines in this city and raking in hundreds of millions of dollars over the last 25 years from the poker machines. A lot of people in the community speculate as to why we have not seen significant poker machine reform in the territory, but it is difficult to exactly pinpoint why.

MR BRADDOCK: Thank you.

DR PATERSON: Mr Braddock sort of outlined the history of the CMS discussion in the Assembly, with the starting premise of the question being that this has been implemented in most Australian jurisdictions for many years. Yet the rate of gambling harm is consistent across the country. So why, Minister, do you believe that a CMS is a value-for-money harm minimisation tool?

Mr Rattenbury: Dr Paterson, I can only say this to you so many times, but I am not asserting that a CMS is a harm minimisation tool. All those other jurisdictions that have a CMS have not put the harm minimisation tools on top of them. You cannot put the harm minimisation tools in place unless you have the machines linked together. I have explained that numerous times in this committee. I cannot be any clearer about it.

DR PATERSON: Just to be clear: so you cannot have any cashless gaming without a CMS?

Mr Rattenbury: You can have cashless gaming without a CMS—

DR PATERSON: With harm minimisation measures?

Mr Rattenbury: It depends. You can bring in a half-baked system—like the one that you have put on the table where people will be able to get around it—and it will have all sorts of loopholes in it. If you want to do it, do it properly.

DR PATERSON: What is the cost of doing it properly?

Mr Rattenbury: That is what the government is seeking to establish at the moment. I do note that the alternative policy that has been put on the table by the Labor Party has not been costed. But it has a minimum cost of $37.5 million in today's dollars to retire all the licences they want to retire. That has not been costed. I note that Dr Paterson has also put a model on the table for an untried, untested and unused digital wallet, and there were no costings on that either. In all of this discussion, I think we have to have some sort of apples-and-apples conversation—and that is not being had by the people putting forward an alternate proposition.

MR BRADDOCK: You mentioned that minimum of $37 million in costs. Who would have to pay for those costs?

Mr Rattenbury: They would come straight out of the ACT government's coffers. That is the model. With the model that has operated here for machine reductions in recent times, the government has paid for each licence that has been retired. The government currently pays $15,000 a licence. I am aware that the clubs are concerned. The clubs hold a view that that is not enough. They want to see that number go up. That is why I say it is at least $37.5 million a year. If you want to retire 2,500 more licences it is going to cost at least $37.5 million.

MR BRADDOCK: Or $20,000 if the whole club goes.

Mr Rattenbury: That is true, Mr Parton, if the whole club goes. This brings us back to the Labor Party's impossible compromise. The Labor Clubs received millions and millions of dollars out of that process for retiring those licenses.

DR PATERSON: Do you oppose the surrender of the licences?

Mr Rattenbury: What I am supportive of is reform that is proper reform that will actually deliver true harm minimisation. Under the proposal that has been put forward, 13 years from now, there will still be 2,000 poker machines operating in this territory with no controls on them. If you have a gambling harm problem, you will be able to go around and find a machine somewhere that has no limits on it and you can just keep gambling your family's savings away. Whereas the model that we have proposed under the market sounding can be in place in two years if cabinet authorises the go-ahead of the procurement process.

DR PATERSON: Minister, you have legislation before the Assembly to reduce the machine numbers for exactly the cost you said—for the $15,000 or the $20,000.

Mr Rattenbury: Yes.

DR PATERSON: Do you think that is not enough for clubs?

Mr Rattenbury: That is the price that we have put on the table, and that is a voluntary surrender scheme.

DR PATERSON: Do you think that is a sufficient amount?

Mr Rattenbury: Clubs are retiring them at that price at the moment, but I know that there is agitation.

THE CHAIR: Following on from Mr Braddock's question, is my understanding correct that we had a committee inquiry in 1999 and, since then, under the vast time we have had a Labor government and even a significant time of Labor-Greens governments, we have not progressed much further and Labor Clubs have been raking in millions of dollars from poker machines? Is that a fair summary do you think, Mr Rattenbury?

Mr Rattenbury: Yes.

THE CHAIR: Thank you.

DR PATERSON: Actually, can I just make a point. I know there is a lot of conflict of interest. I am a member of the Labor Party—just in case you are unaware.

THE CHAIR: Is there a point of order?

DR PATERSON: Yes, there is a point of order, Chair. I am not sure what it is but I will say it and you can figure it out. I think there is a lot of comment on the Labor Party's relationship to poker machines and I think a lot of the commentary is, as I have alluded to previously, not quite understanding the situation or the nuance of it. I will just ask, Chair, noting that you are not meant to mislead anything, maybe we—

THE CHAIR: I think since you made that point everyone has been very careful to talk about the Labor Club.

DR PATERSON: I think people are still not quite getting it.

THE CHAIR: Okay.

Mr Rattenbury: I am doing my best.

DR PATERSON: I can organise you a briefing, if it will help.

THE CHAIR: A bit of restraint, Dr Paterson.

DR PATERSON: Minister, part of the Greens election platform talks about government action on gambling must be independent of industry bias. I would like to understand the market sounding for the CMS. In Tasmania, for example, their CMS is a Tabcorp company subsidiary, Maxgaming. I would suppose that any CMS provider will be a gambling industry business. I was wondering whether that aligns with your party's values to be handing over all of the ACT's control of EGMs to the gambling industry?

Mr Rattenbury: Dr Paterson, I think this is the importance of the work we need to do to put in place legislation, privacy controls and other restrictions to ensure that the scenario you suggest does not occur.

DR PATERSON: Has legislation been developed?

Mr Rattenbury: Not at this point in time, because cabinet has not authorised the development of that legislation.

DR PATERSON: How long do you think the development of that legislation and the implementation of a CMS would take?

Mr Rattenbury: As I indicated earlier, the market sounding suggested it could be done within about two years.

DR PATERSON: And previous advice was talking like five years?

Mr Rattenbury: That was around if all the machines had to be replaced, it would take longer. Again, I guess the good news is we can do it faster than we thought.

DR PATERSON: Thank you.

MR PARTON: Minister, as the responsible minister in this space, can I ask you what your thoughts are—and I know you have already flagged some of them—on the Labor proposal to quickly ramp up machine reductions in the ACT? What effect would these changes have on, for argument's sake, the viability of our club sector?

MS ORR: Point of order—are you seeking an opinion, Mr Parton?

THE CHAIR: I think the minister can probably answer for himself as to whether he feels that is asking for an opinion.

Mr Rattenbury: Rather than my opinion, to perhaps stick within the standing orders, the feedback I have received—and this is publicly available information—is that the clubs have indicated that this would dramatically dent their viability. They do not see this as a pathway that enables them to continue to operate. That is the feedback they have given to everybody. I think all the parties have received that letter.

MS ORR: Yes, it is publicly available.

MR PARTON: So they are talking closure?

Mr Rattenbury: Certainly they have indicated that to me in conversations, yes.

MR PARTON: Do you believe that, if implemented, this policy would result in the increased leakage of ACT poker machine gamblers into New South Wales?

Mr Rattenbury: I think it depends on how it would operate. There would still be for many years many poker machines in the ACT. As I said, in 13 years time there will still be 2,500 doing their thing. I think that people who are committed to getting on a poker machine are still going to find them. It is also unclear what the model would look like. It talks about cutting to 1,000 machines. What we do not know is whether that would result in a couple of super-venues across the city. It might be that the Labor Club and the Southern Cross Club would become the duopoly poker machine providers in Canberra, for example—big clubs, mini casinos—or whether there would be 15 venues with 60 machines each. It is unclear what the model would be.

MR PARTON: Under a scenario where more and more problem gamblers are skipping across the border into New South Wales, which jurisdiction would take carriage of providing the support services for those ACT residents who were experiencing gambling harm? Would it be New South Wales or would it be us?

Mr Rattenbury: I doubt New South Wales would take that. For residents of the ACT, the services provided for the consequences of gambling harm—whether that is family violence, issues related to affordability of rental properties or marriage breakdown—would be delivered in the territory.

MR BRADDOCK: In terms of Labor's proposal, how much of the $37 million we were talking about earlier would probably end up with the Labor Club through the surrender of machines?

Mr Rattenbury: There are 443 licences at, currently, $15,000 a go. Whether it would be all of them is the question. Under the model, they might not get any, because they might end up becoming the club with all the machines, depending on how the model is rolled out. So it is anywhere around 400 times $15,000.

MR BRADDOCK: Okay. Thank you.

Mr Rattenbury: Six-odd million dollars—

MR BRADDOCK: We have done the maths on that.

Mr Rattenbury: through to zero six, probably.

MR BRADDOCK: What has the feedback been to that proposal for gambling harm reduction from community sector people?

Mr Rattenbury: I think there is genuine disappointment. To be fair, I think there is some relief that we are finally seeing a reform proposal from the Labor Party in the gaming machine space, after years of being impossibly compromised. But I think there is also frustration that there is actually a good model before the government at the moment that is being undermined by this proposal. I think people see this as a

deliberate political attempt to sabotage the reform that is currently being developed. The advocates have been very clear in their public comments that they believe models that have universal player card gaming and limits attached to losses are the gold standard—the best way to deal with harm minimisation. People who have spoken publicly about their gambling harm have said, "Under this model, I would still be able to find a club where I could keep going, with no limits, and have the same outcome I had before."

MR BRADDOCK: Thank you.

THE CHAIR: Dr Paterson.

DR PATERSON: Thank you. Speaking of advocates for gambling harm reform, a recent response to an FOI talks about probity information regarding a visit to Crown Casino and mentions many of the advocates. Did they go on a trip with you to Crown Casino?

Mr Rattenbury: I was invited by Crown Casino to go and examine their card play system. They invited me to bring observers, so I indicated to the harm minimisation advocates whether any wanted to come with me. I know they had some concerns and scepticism about the model and I thought they would find it valuable to learn more about it, so, yes, some did attend.

DR PATERSON: There was no move to bring any of the club sector here, given that they would be the people who would have to implement it?

Mr Rattenbury: No. They have invited me on similar trip, so I felt that they probably had the knowledge.

DR PATERSON: Given Crown's system is not a cashless system—you still have to feed cash into machines to play—what did you learn from your visit?

Mr Rattenbury: I think Crown are using a carded system.

DR PATERSON: You have a card that has your pre-commitment limit and your time limit, but you still play with cash.

Mr Rattenbury: I will double-check that, Dr Paterson. I will take that on notice.

DR PATERSON: So you went and met with them and you do not know what their system is?

Mr Rattenbury: I have a mental blank at this point. I am surprised, but I am going to double-check.

DR PATERSON: Okay. And given that Crown is not part of Victoria's CMS—

Mr Rattenbury: Actually, on that, they were very clear to me that it was all about the card. The conversation we were having was about the card and card limits. I did not actually go to any machines. I was sitting here wondering why I could not think of the

answer to that question. I did not actually go to the machines. We much more talked to them about the cards and that sort of thing.

THE CHAIR: Could I clarify: my recollection is that you said you will check, but will you actually take that on notice?

Mr Rattenbury: No; I will not take that on notice. With slightly more time, I think I have now answered Dr Paterson's question as to why I could not answer that. I did not actually go to the machines. I did not see anybody play a machine, so I did not get to the point of observing that behaviour, which is why I cannot answer the question.

DR PATERSON: The probity information check that was done on that trip talks about learning about the capability and opportunities of a CMS to support reform here in the ACT. The Crown is not part of Victoria's CMS. That is part of the problem with Crown. So I am interested to know what you did learn about their CMS.

Mr Rattenbury: They invited me to come and examine their harm minimisation and card based play model. If I recall correctly, that is the offer they made and that is what I went to learn about.

DR PATERSON: Given that seems to be the model that you are pushing and the fact that you do not understand how it works or what it is about, it does not seem like that trip was very beneficial.

Mr Rattenbury: I dispute that. I think you are being patronising to me. I indicated why I went there and the discussions I had. It was very valuable. I think the other participants on the trip found it very valuable. Public servants went with me on that trip. A range of conversations took place and various people got various bits of information.

DR PATERSON: So what was the value that you brought back to the ACT from that trip?

Mr Rattenbury: A range of things. Crown talked about how long it took them to put the measures in place and some of the challenges they found through that. They also talked about the limits to not being part of a joined system. They explained the fact that the measures they put in place were being undermined by the fact that people could walk out of Crown and go across the road to a pub that was not connected to a limit system. That is very much driving my thinking. It exposed the flaws of having a proposal where you could have just a digital wallet for each venue, which is essentially what the Crown has.

DR PATERSON: They do not have a digital wallet, but anyway—

Mr Rattenbury: A card based play system that is restricted to their venue. That is what I meant.

THE CHAIR: Mr Braddock has a supplementary.

MR BRADDOCK: I have a question. Is the Crown model what you were looking to

implement here in the ACT? I thought it was meant to be a multivenue system.

Mr Rattenbury: No; I am not. We have been dragged into a conversation about Crown. I am not saying the Crown model is the one. The line of questioning was about me going there. We learnt some stuff from that visit and it is informing our thinking, but we are not seeking to copy what Crown has done. There are certainly valuable insights and lessons from their model.

MR BRADDOCK: Thank you.

THE CHAIR: We will move on to Miss Nuttall.

MISS NUTTALL: I refer you to pages 40 and 41 of the 1999 committee report. This is not about the CMS, just to be clear. It recommended, on my reading of it, that there were problems with the use of the term "gaming", and I would certainly agree. It recommended that the proposed Gaming and Racing Commission be renamed as the ACT Gambling and Racing Commission, which it ultimately was. Do you know whether there is a reason that advice was not also applied to the title of your portfolio?

Mr Rattenbury: No; I do not. Certainly what I can say in response to that is that we work very hard to think carefully about the right language. We have received representations from advocates during this term about the right way to describe the portfolio, the activity and how we speak about individuals and their interaction with the gambling system.

MISS NUTTALL: Are there lessons to be drawn from our discussion about the appropriate terminology? Are we talking specifically about gambling and crime reduction as opposed to mentioning gaming in the context of harm reduction?

Mr Rattenbury: Sorry—say that again.

MISS NUTTALL: Do we have lessons that we can draw from the terminology? For example, are we erring towards "gambling harm reduction" as opposed to saying something like "gaming harm reduction"? Is there a—

Mr Rattenbury: On that specific terminology, the concern with "gaming" is that "gaming" sounds a bit benign.

MS ORR: Does the ACT government have a policy on video games? I am being funny, Shane! I am trying to lighten the mood because it has been quite robust this afternoon, for a Friday after two weeks of estimates.

Mr Rattenbury: I think the concern is that "gaming" sounds more benign, and describing it as "gambling" is more realistic about what it actually is. That is an example of why people have a view on the terminology.

THE CHAIR: Miss Nuttall, do you have a further supplementary?

MISS NUTTALL: I do not.

THE CHAIR: Mr Parton.

MR PARTON: Thank you, Chair. There was a report from the ANU in June this year titled *Gambling participation and risk after COVID-19: analysis of a population representative longitudinal panel of Australians*. It has a longer title than your list of portfolios! If you were to summarise it in a sentence, it indicates that, certainly under a prohibition model, we do see and we will see people gravitating extensively to online gambling. As the minister responsible in this space, what ability do you have, if any, to intervene with regard to harm minimisation for large sections of the population that are gravitating to online gambling, as opposed to how much influence you have on poker machine gambling harm reduction?

Mr Rattenbury: This is an area of real concern for me. We are obviously seeing a significant increase and a trend towards various forms of online gaming. The ACT has limited ability to regulate in that space. We are part of the national consumer protection framework, and, through that, we have done our part to implement the measures that each jurisdiction is required to take under that. That has been a combined commonwealth, states and territories effort. That has a range of things in it. We can go into those measures if you want to.

MR PARTON: No.

Mr Rattenbury: I won't. Of course, we have seen the national inquiry that took place in the House of Reps which recommended a range of actions that largely require the federal government to move in that space. The way I think about is that, as the ACT government, we have a particular responsibility to deal with gaming machines, because they sit in our regulatory space. The federal government has the bulk of the responsibility for online gaming, but we need to work together on that one.

MR PARTON: So the short answer is: very little, in terms of your ability to intervene in harm minimisation regarding online gaming. You have very little ability to intervene.

Mr Ng: Mr Parton, the contribution I would make to that is that the territory's restrictions relate to its ability to influence regulators based in our jurisdiction. Much of the online gambling advertising activity, for example, that you might see occurs by way of organisations that are based outside the ACT. Our regulatory levers affect our one licensee. In terms of future reform plans or objectives, that probably speaks to the importance of the national consumer protection framework in that, where jurisdictions have agreed to a national minimum standard reform agenda, which is what occurred under the previous national consumer protection framework, that is what drives the activity across all the jurisdictions in a consistent way. Recently, the commonwealth indicated that they intend to conduct a review of the now implemented national consumer protection framework. Hopefully that gives some colour and movement to the restrictions around the territory's ability to do things.

MR PARTON: All right. Thank you.

THE CHAIR: Mr Braddock, do you have a substantive question?

MR BRADDOCK: I do. Moving on to fair trading, the Commissioner for Fair Trading was recently given powers to fine businesses and traders who fail to attend scheduled conciliation for consumer claims of less than $5,000. Are you expecting to utilise this penalty often? What is the purpose of that penalty?

Mr Rattenbury: Bear with me, Mr Braddock, while officials join me at the table to give you a bit more data. You may recall that, a couple of years ago, we legislated to create a power for the Commissioner for Fair Trading to be able to mediate disputes between consumers and businesses for issues under $5,000. The idea was to perhaps use the model under which the Human Rights Commissioner operates, where they are able to bring people together and use their powers to get an outcome and avoid potentially having to go to court. That reflected a recommendation from the Productivity Commission in their inquiry into the right to repair. We had already done it by the time the Productivity Commission came out with it.

We found that, in some cases, businesses simply did not turn up to mediation, despite the requirement to do so. This new legislation puts in place a power for Access Canberra to issue an infringement notice for that failure to attend. Previously, they would have had to go through the court system to enforce that right. My colleagues might have some numbers on how many examples there have been or other things they would like to add, or I have just put them awkwardly on the spot.

Dr Bassett: I have read and acknowledge the privilege statement. Thank you for the question. No infringements have been issued at this point. We have, however, during the period of the introduction of the new infringement process, focused efforts on early resolution and engagement with traders to come to conciliation or a settlement with the consumer in question. We have had some success at reducing the lag time for consumers who have been waiting for a result from a trader.

MR BRADDOCK: Is it driving success in outcomes or is it at least having them on the books?

Dr Bassett: It assists us because it gives us another regulatory instrument to use should a trader be unwilling to participate in a compulsory conciliation or early resolution process. Access Canberra undertakes a range of contact and early engagement with traders that consumers are having issues with. We try, at the beginning of that process, to make sure that the two parties are discussing at least what is on the table by way of resolution or what they are seeking, so that we can attempt to bring them together in that conciliation process.

Sometimes we are unsuccessful because either the consumer's expectations exceed what the trader is willing to offer or the consumer does not have satisfaction from what the trader has offered. So there are some challenges, but we certainly have had some success at bringing the parties together quickly so that we can provide an early resolution. It becomes more complicated when matters drag on, as you might imagine.

MR BRADDOCK: Thank you.

Mr Rattenbury: I will briefly add to that. That is the important point: there have been examples where we have been able to get an early resolution for consumers. That has

been the very point of this is: trying to provide a less expensive, faster and less confrontational pathway.

THE CHAIR: We will move on. Dr Paterson.

DR PATERSON: Thank you. Minister, we have spoken a lot about your view on the importance of having a universal limit set on poker machine expenditure across the ACT. What limit are you proposing?

Mr Rattenbury: I think there is some room for flexibility on that, Dr Paterson. There is a range of views. Certainly, we have spoken before about the Tasmanian model. There are views about taking a different approach. Various advocates I have spoken to have different numbers in mind, so I think this will be part of the development of a final proposal.

DR PATERSON: Or a CMS?

Mr Rattenbury: For a carded play system with a mandatory pre-commitment built into it.

DR PATERSON: Will you disclose to the public what you think the limit should be prior to going through any procurement process for a CMS?

Mr Rattenbury: I have certainly indicated that I think the Tasmanian model of $5,000 a year seems like a good starting point. There are a number of models you could adopt: whether the government should mandate a limit or whether the government might just put in place an advisory limit. Again, there are mixed views on this. I think it is the right sort of number. You have previously commented that you think that number is still a lot of money for people to lose. I agree, but at the moment there is no limit. If all parties in this place were of the mind to go for a lower limit, given you have suggested that one is too high, that is a discussion we need to have. It would require a legislative response, which would require a conversation in the community and some agreement between the majority of members in this place.

DR PATERSON: Minister, do you not think it would be better to follow the evidence base on low-risk gambling limits which says that between $380 and $615 per year is the maximum limit to address gambling harm?

Mr Rattenbury: Dr Paterson, if I brought that proposal forward, nobody in this place would support it. I do not think it would pass the Assembly.

DR PATERSON: If the importance is so much on reducing harm through a central monitoring system that implements universal limits, why would you not follow the evidence base and the limit the research suggests? Why would we just pick out numbers that we all feel good about when, actually, the harm would still continue?

Mr Rattenbury: Again, if you look at the reality of this Assembly, we know where the Liberal Party stands on these matters, but the Labor Party continues to be impossibly compromised by its associations with this industry. I just do not think a number like that would actually pass the Assembly. If you are prepared to say to me,

"The Labor Party will get behind a number like that," that is a conversation we should have.

DR PATERSON: But don't you think we should know where we are going before we purchase a CMS for the ACT?

Mr Rattenbury: I am trying to advocate for a position that has a mandatory pre-commitment for gambling losses—

DR PATERSON: At what level, though?

Mr Rattenbury: and player card gaming, at a level that we can agree to.

DR PATERSON: That is not going to reduce harm. That is the thing, though, Minister.

Mr Rattenbury: I can have any number I like, but, if the Assembly will not support it, it is going nowhere. We need to collectively operate in the best interests of this community to try to get agreement on an outcome. You are—

DR PATERSON: But, if it is not going to be effective in reducing harm, why would we do it and spend millions of dollars doing it?

Mr Rattenbury: The evidence is that it will reduce harm.

DR PATERSON: At what limit?

Mr Rattenbury: Frankly, any limit—it is unlimited at the moment—is going to have an impact.

DR PATERSON: What is wrong with individuals setting their own pre-commitment levels in venues? Why do you need a very expensive central monitoring system if you cannot articulate the harm you are trying to address?

Mr Rattenbury: I am trying to address the harm. At the moment, Canberrans lose more than $180 million a year to poker machines in the ACT. That ripples through families, it ripples through communities and it ripples through workplaces, where we see fraud by staff who are trying to pay for their gambling harm. You talk about this being expensive. It is not expensive compared to the losses in this community every single year. The best advice I am receiving is that putting in place a system that will allow for player card gaming with loss limits attached to it will be highly effective in reducing gambling harm.

DR PATERSON: Minister, what have you done in the last four years to reduce gambling harm for families in the ACT, as the minister?

Mr Rattenbury: I have worked incredibly hard to put in place this system.

DR PATERSON: It is not in place. We are so far from it.

Mr Rattenbury: We are far from it, and that is because it is being stalled in the government decision-making process. I would go so far as to say that my cabinet paper has been given the go-slow treatment. You can see from the FOI how many times it has gone before the cabinet, how long it has been—

DR PATERSON: How many times has it gone before the cabinet, and on what dates?

Mr Rattenbury: I would have to check. I will have to take the number on notice. I will have to check that.

DR PATERSON: The last time we spoke in a hearing, you said you brought the proposal forward once, last year in November.

Mr Rattenbury: If we include the subcommittees, I can give you those numbers. But I have had this proposition before government since September last year.

MR PARTON: Chair, I have one more question.

THE CHAIR: Mr Parton.

MR PARTON: I do not have a supplementary.

MS ORR: I think Mr Parton is saying he would like to get a question in before the three minutes—

THE CHAIR: Dr Paterson, are you finished?

DR PATERSON: Yes.

THE CHAIR: Mr Parton, you can have my question.

MR PARTON: Thank you. Minister, earlier in the term we had a bill regarding the creation of heat and smoke refuges in clubs, which Dr Paterson sought to "improve" with some amendments. I want to know what the take-up has been, in terms of how many clubs have indicated a willingness to participate, because obviously we went to great lengths through that legislation. How many clubs have put their hand up to participate and be part of that?

Mr Rattenbury: So far, there have been three venues, Mr Parton. That is the advice that I have. This is one of those things. We have also had a couple of benign years, frankly. This proposition was put together in the aftermath of the Black Summer in 2019-20. At that time, with the extreme heat and smoke we were experiencing, people did not know where to go. They were being literally smoked out of their own homes, and we were looking for opportunities for places that people could go when they were so desperate in their own home that they felt they needed to escape to somewhere cooler and with cleaner air. That was the context. A couple of benign years have probably taken the focus off that for some people. I am pleased, though, that we have a law in place and, if we start to see that coming back, we can activate it. I am grateful to those three venues that have already signed up.

MR PARTON: I have suggestions from venues, which I will not name, that are of the belief that the legislation is a little too restrictive in the real world for them to participate in.

Mr Rattenbury: The amendments proposed were far more restrictive. The amendments proposed by Dr Paterson sought to close down the gaming machines and, I think, the bars while they were being used. The reality is that those clubs would normally be open and people would go there at normal times anyway. What we sought to do was put in place a model where people could go to areas that were set aside as refuges—and we know these clubs usually have big auditorium type spaces—and that they would be separate to the gaming areas, so that there would be a clear delineation of the refuge from the normal business of the club. We sought to strike a practical balance.

MR PARTON: That is enough from me, Chair.

THE CHAIR: Our time is up. Perfect timing. On behalf of the committee, I thank witnesses for their attendance today. It was very entertaining. If you have taken any questions on notice, please provide your answers to the committee secretary within three business days of receiving the uncorrected proof *Hansard*. On behalf of the committee, I would like to thank all our witnesses today who assisted the committee through their experience and knowledge. We also thank broadcasting and Hansard staff for their support. If a member wishes to ask questions on notice, please upload them to the parliament portal as soon as practicable and no later than 5 pm on Tuesday, 6 August. The meeting is now adjourned. We will reconvene on Monday morning.

The committee adjourned at 4.00 pm.