



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**SELECT COMMITTEE ON PRIVILEGES 2018**

**Members:**

**MR S RATTENBURY (Chair)**  
**MS T CHEYNE (Deputy Chair)**  
**MR A WALL**

**PROOF TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**TUESDAY, 22 MAY 2018**

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**Secretary to the committee:**  
**Mr M Kiermaier (Ph: 620 50490)**

**By authority of the Legislative Assembly for the Australian Capital Territory**

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## **Privilege statement**

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*Amended 20 May 2013*

**The committee met in camera at 8.29 am.**

**LEE, MS ELIZABETH**, Member of the Legislative Assembly

**THE CHAIR:** Welcome. Thank you for coming. This is the first hearing of the Select Committee on Privileges 2018 to look into the matter that was referred to us by the Assembly. I imagine you are aware of the privilege statement. Do you have a copy there in front of you?

**Ms Lee:** There is not. Oh, thank you, chair.

**THE CHAIR:** Thank you. I think the particular point I wanted to emphasise today is that, while committees prefer to hear all evidence in public, we are allowed to take evidence in camera. Given the nature of this inquiry, we have opted to have this hearing in camera today. The evidence, however, will be recorded, and the committee does reserve the right to, if necessary, publish the evidence taken in camera. We did form the view that, given the nature of the matter, it was better to do it in camera in the first place. But we are recording, in the event of any dispute over the evidence given or further need to publish it. Does that seem clear? And are you comfortable with the rest of the privilege statement?

**Ms Lee:** Yes, thank you, chair.

**THE CHAIR:** Thank you. I think we will jump straight in. Would you like to start the questioning, Ms Cheyne?

**MS CHEYNE:** Sure. I have got many questions, but I am happy for supps and whatever.

**THE CHAIR:** Sure.

**MS CHEYNE:** I am really most interested in a bit of a time line and just clarifying some things, particularly some inconsistencies between the submissions. Just to start with, have you read Mr Coe's and Miss Burch's submissions?

**Ms Lee:** No.

**MS CHEYNE:** Okay. They are public.

**Ms Lee:** Okay. I did not realise. I have not had a chance to read them, no. I apologise.

**MS CHEYNE:** All right. On some of these questions I will try to give you some background about where I am going.

**Ms Lee:** I would appreciate it.

**MS CHEYNE:** In your submission you say that it was due to the knowledge of people being concerned about rates that you decided to make the inquiry known to people, but in Miss Burch's submission she says it was the lack of awareness about the inquiry that motivated it. I just want to check: was it also for you the lack of

awareness that motivated it?

**Ms Lee:** When I am talking about the knowledge of rates, I mean rates going up generally. I am not talking about the inquiry.

**MS CHEYNE:** Yes.

**Ms Lee:** And certainly I would agree with Miss Burch's position that there is a lack of knowledge about the inquiry on rates.

**MS CHEYNE:** Great. Thank you.

**MR WALL:** Do you think there is generally a lack of awareness of inquiries that happen within the Assembly?

**Ms Lee:** Absolutely; there is no doubt. And if it was not for active MLAs letting the public know through their various channels, especially some of the more active MLAs on social media, I think there are many Canberrans who would have no idea of some of the inquiries that are happening in the Assembly.

**MS CHEYNE:** Thank you. Miss Burch's submission says that either you or she, or perhaps both of you, approached Mr Coe's office about distributing a letter and that you had both spoken to each other about doing so, but then you approached Mr Coe's office. What was the purpose in approaching Mr Coe's office? Is that normal?

**Ms Lee:** No. The letter was certainly instigated by Miss Burch and me, but of course, like with any important policy area or topic, we do discuss it with our party room colleagues and especially with the leader.

**MS CHEYNE:** And so you wanted to make him aware that you were planning on doing a letter?

**MS LEE:** It was certainly raised. It was not an issue of either seeking permission or asking his advice. It was literally just as a bit of a heads-up, as you would do as a matter of courtesy with people in your own party room.

**MS CHEYNE:** Sure. What date did you approach Mr Coe?

**Ms Lee:** I know the inquiry kicked off middle of February and we distributed the letter around the week that it was due, because I remember we had a bit of a time constraint. I can't remember the exact date, because it would have been just in conversations in passing, but I would say maybe early March? Definitely the second half of March.

**MS CHEYNE:** Okay. Are you able to take that on notice to see if you have any evidence or recollection? The date is important.

**Ms Lee:** The only reason I am hesitating is because I have got a feeling it was in conversation, so I just do not know if I will find it. The email correspondence I had with—I am just trying to think. The invoice was 15 March. I know that because

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I looked that up today. And it would have been obviously discussed in the few days beforehand, before we paid for the letter to be distributed.

**MS CHEYNE:** It is fine if you come back and say, “I do not know for sure.”

**Ms Lee:** Yes. If I find it, I can come back to the committee, yes.

**MR WALL:** So, in making Mr Coe aware of the intent that you and Miss Burch had to produce and distribute a letter, was a copy or a draft of that letter shown to Mr Coe?

**Ms Lee:** No.

**MR WALL:** And what input did Mr Coe have as to the content or the purpose of that letter?

**Ms Lee:** None, except for what we discussed in general, as I just said. Mr Coe never saw a copy of that letter. The only input he had was the link to the website.

**MR WALL:** The have your say website?

**Ms Lee:** Yes.

**MS CHEYNE:** So whose suggestion was that to use have your say?

**Ms Lee:** That was discussed generally by all three of us, and perhaps in the broader party room. We had been discussing, again, the lack of knowledge that people in the public have about inquiries and some feedback that we had each received from members of the public about how daunting the process is in terms of making the submissions.

So when people do raise an issue and there is a current inquiry, I will be like, “Did you know there is an inquiry on?” and then they will be like, “Oh, what is the process?” As soon as I start to talk about the process they are like, “Oh, it is all too hard,” and so we had discussed using the have your say website.

**MS CHEYNE:** Who specifically made the suggestion to use the have your say website and to put the link in the letter?

**Ms Lee:** I do not know if it was specific. It was just discussed. I do not know who initially did it. I cannot remember.

**MS CHEYNE:** Have you used have your say before?

**Ms Lee:** I have, yes.

**MS CHEYNE:** In terms of promoting another survey or another issue?

**Ms Lee:** I did it once as a general community survey for Kurrajong, and I just published that link in my social media platforms.

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**MS CHEYNE:** And how did you receive the responses made to that survey?

**Ms Lee:** There is an email that gets forwarded to us.

**MS CHEYNE:** So it goes to a central email address and then that gets forwarded to you?

**Ms Lee:** I do not know what the process is. I do not know. I do not maintain the website, so I am not sure.

**MS CHEYNE:** How does the email get to you?

**Ms Lee:** I do not know. It comes up in my inbox to say that there is an entry or—

**THE CHAIR:** A response.

**Ms Lee:** Yes, a response.

**MS CHEYNE:** Okay. Can you, just on notice, let us know what the “from” email address is?

**Ms Lee:** For the one that I did for Kurrajong?

**MS CHEYNE:** Yes: when responses get forwarded to you, what the “from” email address is.

**Ms Lee:** Yes.

**MR WALL:** That is probably outside of the scope of this inquiry.

**Ms Lee:** That is only for the Kurrajong one, as an example.

**MS CHEYNE:** That is fine. It is important in terms of understanding more broadly how the website works and whether the members had an understanding, before they inserted the link, of how the website worked and how information was received and distributed.

**MR WALL:** Ms Lee, you said that for the Kurrajong survey you received an email of responses that were filled out. For the rates survey, or submission tool to the PAC inquiry, did you receive an email when responses were completed?

**Ms Lee:** No.

**THE CHAIR:** Out of interest, why was that different?

**Ms Lee:** Because the Kurrajong one is the survey that I initiated. I had asked for the questions to be put on that website. I do not know how it works from the back end, but then I started getting those emails. With the rates one, I did not initiate that survey, so I do not get access to those responses.

**MR WALL:** Who initiated the survey on have your say?

**Ms Lee:** For the rates one?

**MR WALL:** For the rates.

**Ms Lee:** My understanding is Mr Coe.

**MS CHEYNE:** Did he show you the draft of the survey before you put the link into your letter?

**Ms Lee:** No.

**THE CHAIR:** Mr Wall, do you have questions?

**MR WALL:** No, no. I am happy to just weigh in where I need to.

**THE CHAIR:** Okay, that is fine. Ms Cheyne, have you got more?

**MS CHEYNE:** Yes.

**THE CHAIR:** Want to keep going?

**MS CHEYNE:** Yes. This is page 1. The Clerk's advice. Your submission is the only submission to include an excerpt from the Clerk's advice. I appreciate that it is an excerpt, so I do not have the full context there and I am not sure if you would have it. Miss Burch says specifically that the Clerk approved the use of the have your say website. Did he approve the use, based on the advice that you have seen?

**Ms Lee:** I do not know if it is just semantics that she used that word or not. I cannot speak on behalf of Miss Burch, and I am sure that you will ask her. But the excerpt of that advice that I have from the Clerk is what I have, and that is why I have added it into my submission.

**MS CHEYNE:** Who sought the advice from the Clerk?

**Ms Lee:** Mr Coe's office.

**MS CHEYNE:** And were you made aware of the advice from the Clerk before you sent the letter?

**Ms Lee:** Yes.

**MS CHEYNE:** Did you receive the advice in full?

**Ms Lee:** That was what I received.

**MS CHEYNE:** This excerpt?

**Ms Lee:** Yes.

**MS CHEYNE:** So not the full advice?

**Ms Lee:** No.

**MS CHEYNE:** When did you receive the advice from the Clerk?

**Ms Lee:** I will have to double-check that date. I cannot remember.

**MS CHEYNE:** Please take that on notice. Based on the excerpt, the Clerk says:

... ultimately it will be up to each committee as to whether they accept submissions from 3rd party websites ...

But he does note that a previous inquiry on a different committee had accepted those from another website. I think that suggests that it is not guaranteed that a committee will accept submissions that are received from a third-party website. Did you consider that this was a risk in using the third-party website, and did you take that into account when drafting the letter and inserting that link?

**Ms Lee:** I am not sure that I thought about it in the way that you have just described. I mean, that is your reading of the advice.

**MS CHEYNE:** Well, it says, “Ultimately it will be up to each committee.”

**Ms Lee:** Yes, but that is a general line that we have for any work that any committee does. It is ultimately going to be up to the committee to do what it wants with any information that comes before it. So I took it to mean very general advice that the Clerk wanted to give to ensure that he respected the autonomy of the committee.

**MR WALL:** Do you feel that the use of the tool facilitated additional submissions to the inquiry that otherwise would not have been received?

**Ms Lee:** No doubt. I know that, and I am someone who is engaged in politics. Before I came into the Assembly I had no idea about the way committees work or the types of inquiries they do, and as somebody who has now been starting to engage in the inquiry process as a committee member, it is important that we get a broad range of views and as many submissions as possible so that we can undertake a thorough inquiry.

**MR WALL:** And do you think that the traditional submission process for the committee system in the Assembly is adequate, or do you feel that third-party tools such as have your say or ones that had been used for other inquiries are a more engaging model—or that a more simplistic model of engagement needs to be considered or developed to ensure that we get a broader cross-section?

**Ms Lee:** Look, I do think that we can always improve in how we do things here in the Assembly. At the end of the day, when we do hold inquiries we want to make sure that as many people as possible engage with them, and the easier we make that process the better. It is certainly something that I think would be worthwhile

exploring, as parliamentarians who engage in inquiries.

**THE CHAIR:** One of the themes that have come up in the various bits of evidence is that people find this idea of making a submission daunting. One of the things that have been said is that you want to make it simpler for people and also convey that you do not need to make a long submission; it could literally be a paragraph or a short letter or something like that. Why did you choose to use an alternative website rather than simply say to people, “Here is the Assembly web address and you only need to write a few paragraphs”?

**Ms Lee:** But we did do that as well. I mean, we do that on all sorts of other stuff too. There are different ways. But when you start to describe to people, and you give them the official email and say, “You approach the secretary,” and all of that, people start to go, “Oh, that just sounds a bit too hard.” Even if you go, “No, no, no, it is actually quite simple,” they start to go, “Oh, I don’t know.” And then if you show them a website that has an electronic form which you sort of click through, they say, “Oh, it is much simpler.”

**MS CHEYNE:** Simpler than sending an email?

**Ms Lee:** Yes. Some people do not want it because they have got other reasons why they might not want to do it. They have gone, “No, no, no, it is just too hard. I do not want to initiate it.”

**THE CHAIR:** Have you talked to any of your committee colleagues or the secretariat about improving the ways of people submitting to inquiries?

**Ms Lee:** Not as a topic for discussion within a committee setting, no, but it is something that I have been thinking about. You know: how do we make it easier?

**MS CHEYNE:** To go back, just to finish that line of questioning on the Clerk’s advice, in short you were aware that potentially the submissions may not be accepted?

**Ms Lee:** Not as—

**MS CHEYNE:** Using the website?

**Ms Lee:** It is not something that I turned my mind to. What I was aware of was the Clerk’s advice saying that it was going to be ultimately up to each committee. I do not have any power or control over what a committee may decide.

**MR WALL:** So, to be clear, did you have any reason or expectation that the use of a third-party website would cause the submissions to not be accepted in any greater or lesser way than a submission would be that was made through the normal channels?

**Ms Lee:** No, I assumed that it was going to be made easier. That is why we did it.

**MS CHEYNE:** Thank you. This is more of a clarification question. In your submission you say that the letterboxing was done by volunteers on behalf of Miss Burch and you, but Miss Burch says it was by you and her and volunteers. Could

you clarify which one it is?

**Ms Lee:** She may have done it. I am not sure, because we split it up. So she may have gone out herself with her volunteers. I am not sure. I did not.

**MS CHEYNE:** Okay, so it was just volunteers for you?

**Ms Lee:** Yes.

**MS CHEYNE:** Okay.

**Ms Lee:** Obviously I cannot speak on behalf of Miss Burch. I do not know how she organised her volunteers.

**MS CHEYNE:** No. That is fine. But in hers she says you also distributed them yourself. I am just clarifying, because you would know what you did. Equally, Miss Burch says that the letter was distributed to apartments in Kingston, Barton, Turner, Braddon and the city, whereas yours says the letter was distributed to apartments in Braddon and Turner, which you both say, and the city and Barton. But you have Campbell, Lyneham, Acton and Griffith as additional ones, and she has Kingston as an additional one.

**Ms Lee:** I have got Kingston in mine as well.

**MS CHEYNE:** Yes, you do. Regardless, she says they were distributed in a few less than what you have. Whose is correct?

**Ms Lee:** I do not know. If you want, I can double-check.

**MS CHEYNE:** That would be great. Based on your previous understanding of the website and how it works, in your discussions with Mr Coe when you decided to use the link did you have a fair idea that the submissions would also be held by Mr Coe, vis-a-vis the Liberal Party, in addition to being forwarded on to the public accounts committee?

**Ms Lee:** No.

**MS CHEYNE:** On that, we have discussed, all of us—and I think it is a theme in all three of your submissions, which you can read for yourself—how daunting it is to go through the committee process and that people find even just sending an email a concern. You say that using a form is easier, but how is a form easier when you yourself do not even understand how it works and you were not confident of the back end, you were not confident about where the information was going and you were not sure about how it was being forwarded to PAC?

**Ms Lee:** The information I have about the website and its use is very different to what the public has. What the public is getting access to is a link. It opens up automatically, and they work their way through the online form. I do not think any member of the public sits there and goes, “Oh, what are the mechanics of how it works?” and all that kind of stuff.

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**MS CHEYNE:** Can you please explain to me: how did you think it was easier for the public?

**Ms Lee:** There is a link. You click on it. It opens up. You work through a form.

**MS CHEYNE:** But you say yourself “in our letter where we asked, ‘How was it forwarded on to PAC?’” you do not know. How is that easier if you were not even sure yourself that it was being forwarded on to PAC? That is my reading of that.

**Ms Lee:** When I look at the website, I do not think the public sits there and goes through and tries to look at the technicality of it. They literally get a link, they click on it, it opens up to a form and they work their way through, which I would say is a much simpler way of doing it. I am sure once they click the “submit” or conclusion button that is it; they forget about it. So when I say that it is an easier process, that is based on feedback from people who have gone, “Oh, yes, this is a simple process to do.” I am not saying that the public have looked at it in all its technicality and gone, “Oh, this is a much simpler process.”

**MS CHEYNE:** I am not talking about the public and the technicality. I am talking about your confidence in the process.

**Ms Lee:** But you are confusing it. What I am saying is that I have said that people who are making submissions have said that the website is simpler because that is the extent they look at it. They click on a link; it opens up; they work through a document.

**MS CHEYNE:** For them, yes, and I appreciate throughout your evidence that you have said you wanted to make people aware of the inquiry and to ensure that people were appropriately having their say. But it is also pretty apparent in the evidence that you did not know for sure that they even were going to be able to have their say, because you had no idea about how the website worked.

**Ms Lee:** I think you are confusing the two issues, though.

**MS CHEYNE:** I really do not.

**Ms Lee:** Okay, then I am not understanding your question.

**MS CHEYNE:** Throughout today you have not been able to explain how the website works.

**Ms Lee:** I am not a web master. I do not control the website.

**MS CHEYNE:** But how do you know that the evidence that people were submitting was definitely going to be able to go to PAC?

**Ms Lee:** And I have said, I think at least twice now, that I did not turn my mind to that. The Clerk’s advice—and you have referred to it a few times—said “always up to the committee”. I do not have control over what the committee accepts or decides. I do not know—I am not a web master. I do not have the technical knowledge about

what happens on the back end. I do not know what more I can say about the website. I just do not know.

**THE CHAIR:** If we can change tack for a second, are you aware the ACT government operates a public consultation site called your say?

**Ms Lee:** Yes.

**THE CHAIR:** And then the Liberal Party operates a website called have your say. Have you had any discussions with your colleagues about the potential for that to mislead the public, given the similarity of the two names?

**Ms Lee:** No.

**THE CHAIR:** Does it raise any concerns with you?

**Ms Lee:** There is no doubt that the names are similar, but it is not something that we have discussed.

**THE CHAIR:** Does it give you any cause for concern?

**Ms Lee:** I think most people are pretty clear about it when they go on. The other thing is, when you go onto the have your say website, even if you get confused and think it is an ACT government consultation website, it does say that it is an initiative of the Canberra Liberals at the top. So even if they did click on it thinking that it was an ACT government website, I think as soon as you go onto the home page it is pretty clear.

**THE CHAIR:** In Mr Coe's evidence he talks about how on 12 April it was discovered that the outbound spam filter had caught some of the submissions. He then says that on the morning of 13 April the consultation was closed and a message was left on the website advising of that. So why was the consultation closed?

**Ms Lee:** I do not know.

**MS CHEYNE:** Why was the consultation not closed on 23 March—

**Ms Lee:** I do not know either.

**MS CHEYNE:** when submissions formally closed?

**Ms Lee:** I am not sure. I do not know.

**MS CHEYNE:** Were you aware that the consultation on the website was open past the closing date, the formal closing date for submissions to PAC?

**Ms Lee:** No.

**THE CHAIR:** As the instigator of that process, why were you not engaged in that?

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**Ms Lee:** I do not have much information about the website. I do not control it. I do not have the responsibility for it.

**MR WALL:** Can we just confirm an earlier answer, Ms Lee. Was it you, Miss Burch or Mr Coe that initiated the have your say survey?

**Ms Lee:** Mr Coe.

**MS CHEYNE:** In the conversations that you had with Miss Burch and Mr Coe about using the website and putting the link in, were any discussions had about reconciling the submissions that were received by the website with what had been forwarded on to PAC?

**Ms Lee:** No.

**THE CHAIR:** Any other questions there?

**MS CHEYNE:** Just checking. Okay, no. I am done.

**THE CHAIR:** No? Is there anything else you wanted to add, Ms Lee? I forgot to invite you to make an opening statement. My apologies for that.

**Ms Lee:** No, no. I sort of took my written submission as an opening statement, if you like.

**THE CHAIR:** Yes, sure. Is there anything else you want to add at this point before we conclude the proceedings today?

**Ms Lee:** No. It is just that, you know, obviously rates has been an issue that has been raised with us more than any other before the election and since. I know that it was an important issue for the members of my electorate, so I thought was incumbent upon me as a local member to make sure that they were aware that there was an inquiry on it going on.

**THE CHAIR:** Well, thank you very much.

**Ms Lee:** Thank you. Can I just confirm the couple of things that Ms Cheyne asked me to take on notice? Specifically on when I gave the example that I used the website for the Kurrajong community outreach, you wanted me to check the “from” email for that one?

**MS CHEYNE:** Yes. You said that you get emails.

**Ms Lee:** Yes.

**MS CHEYNE:** When the survey gets filled out, it seems like it gets populated and sent to an email, like a central space—

**Ms Lee:** Yes.

**MS CHEYNE:** and then gets forwarded on to you.

**Ms Lee:** Can I confirm, Ms Cheyne, that is the Kurrajong community outreach survey that I did?

**MS CHEYNE:** Yes.

**Ms Lee:** It is nothing to do with this.

**MS CHEYNE:** Yes. Correct.

**Ms Lee:** Yes. The second was the date that the advice from the Clerk came through. Is that the other thing?

**MS CHEYNE:** Yes.

**MR WALL:** The date that you received it.

**Ms Lee:** That I received it, yes, and double-checking the specific suburbs that the letter was distributed to.

**THE CHAIR:** Thank you. As I said at the beginning, can you provide those as soon as is practical for the committee so that we can get on with completing the business of the inquiry. As I said at the beginning, we have taken evidence in camera. If a decision is taken to publish or present the in-camera evidence, you will be consulted with before that decision is finalised.

**MS CHEYNE:** And, sorry, it was also when you had the first chat with Mr Coe. I appreciate if you cannot find the actual date. I do not know how things work in the Liberal Party, but if you had something like a calendar invite, that might jog your memory, if there is a date that you can provide. But, equally, if your answer is, "I cannot confirm the date," that is fine.

**Ms Lee:** Yes. So you are talking about the date first discussed?

**MS CHEYNE:** Yes.

**THE CHAIR:** Thank you, colleagues. We will formally conclude Ms Lee's evidence there, and thank you for appearing bright and early this morning.

**MS CHEYNE:** Yes, thank you.

**Ms Lee:** No worries. Thank you very much.

**BURCH, MISS CANDICE**, Member of the Legislative Assembly

**THE CHAIR:** Welcome to the hearing of the Standing Committee on Privileges 2018. The privilege card is in front of you. I assume you are aware of the contents of that?

**Miss C Burch:** Yes.

**THE CHAIR:** I particularly draw your attention to the last part of it. This committee is taking its evidence in camera, and we have done that over the sensitivity of the matter, but I would highlight the fact that, whilst we are doing that, the committee reserves the ability to publish the evidence if required, if there is any contention or controversy over it. You would be consulted before doing that—

**Miss C Burch:** Okay.

**THE CHAIR:** but it is our intention to take the evidence in camera in the first instance. Do you have any questions or issues with the privilege statement or anything you would like to clarify?

**Miss C Burch:** No.

**THE CHAIR:** That being the case, we will get straight into the evidence phase then. Did you wish to make any opening remarks?

**Miss C Burch:** No. I think I laid it all out pretty clearly in my submission.

**THE CHAIR:** Thank you. I will give you the floor again, Ms Cheyne, to start.

**MS CHEYNE:** Sure. Thanks for appearing today. The submissions. We wrote to Ms Lee and Mr Coe. Their submissions have been published online. Have you read those submissions?

**Miss C Burch:** No, I have not.

**MS CHEYNE:** Okay. Could you just expand on the reasons for deciding to distribute the letter? Was it due to the number of people who had raised their concerns about rates generally? Or was it due to lack of knowledge about the inquiry?

**Miss C Burch:** It was both. I had had a lot of people raise concerns about rates generally and they did not seem to be aware that the inquiry was taking place. When I responded to them and said, “Well, there is currently an inquiry,” they were quite surprised by that. They had not heard of it and did not know that it was taking place.

**MS CHEYNE:** Okay. You and Ms Lee say that you both approached Mr Coe in his office about distributing a letter. Do you recall what date that was that you approached him?

**Miss C Burch:** I do not. I originally approached Ms Lee and said, “Look, I have been

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getting a lot of feedback about this and people do not seem to know about the inquiry. Have you found similar things?" She agreed and I said, "Well, maybe this would be a good opportunity to do a joint letter," and then we approached Mr Coe. I do not remember what date that was.

**MS CHEYNE:** Okay. And what was the purpose in approaching Mr Coe's office? Is it normal, par for the course?

**Miss C Burch:** Initially we just mentioned that we were going to do it, and then he suggested that they were putting up a have your say website on this anyway, and so they suggested that maybe we could include the have your say link instead to make it easier for people to make submissions.

**MS CHEYNE:** Okay, so that suggestion was from Mr Coe himself?

**Miss C Burch:** Yes.

**MS CHEYNE:** And he had said they were already planning on doing a survey via the have your say website?

**Miss C Burch:** Yes.

**MS CHEYNE:** Thank you. That pieces together a big missing part of the puzzle. Did he inform you that he had a draft already prepared on the website?

**Miss C Burch:** No. I do not think the conversation went into that much detail.

**MS CHEYNE:** Great. With using the website, did you talk specifically about how that information would be contained or retained by the Liberal Party but also distributed to PAC and how the back end of that would work?

**Miss C Burch:** No, we did not.

**MS CHEYNE:** Did you have any prior experience with using the website?

**Miss C Burch:** No.

**MS CHEYNE:** So you had not ever done a community survey?

**Miss C Burch:** No, not myself. I knew that it was there and that it had been used previously. I had not used it, no.

**MS CHEYNE:** Did you seek any assurances from Mr Coe about the process that would be used to forward submissions to PAC?

**Miss C Burch:** Mr Coe advised that they were going to confirm with the Clerk as to whether that was something that we could do, noting that it had previously been done by the unions and by the ACL, so Ms Lee and I waited to receive that advice back from Mr Coe before we proceeded with the letter.

PROOF

**MS CHEYNE:** Okay.

**MR WALL:** So it was Mr Coe who sought the advice from the Clerk?

**Miss C Burch:** His office, I believe, yes.

**MS CHEYNE:** Ms Lee has provided an excerpt of the Clerk's advice, but you stated that the Clerk approved the use. Do you know if the Clerk specifically approved the use of—

**Miss C Burch:** I was not part of that conversation, so, no. But the advice that we then received from the Coe office was: "Yes, you can use the have your say link in the letter for submissions to be made to the PAC inquiry."

**MS CHEYNE:** Okay.

**THE CHAIR:** So you have not actually seen the Clerk's advice yourself?

**Miss C Burch:** I have seen the email between the Clerk and David Hughes, yes, but I was not part of that conversation.

**MS CHEYNE:** Okay, but that advice was forwarded on.

**MR WALL:** And David Hughes is—

**Miss C Burch:** Alistair Coe's chief of staff.

**MS CHEYNE:** Okay. So that email was forwarded on to you, so you had that advice in full?

**Miss C Burch:** Yes.

**MS CHEYNE:** Okay. The excerpt that Ms Lee has reproduced states:

... ultimately it will be up to each committee as to whether they accept submissions from 3rd party websites (noting that the Education Committee has accepted those from the Unions ACT website that you showed me) ...

Based on the Clerk's advice, it was not guaranteed that the public accounts committee was going to necessarily accept submissions received from a third-party website. What considerations did you give to this risk?

**Miss C Burch:** I do not believe I saw that email before we got the letter produced. I do not recall having seen that specific piece of advice.

**MR WALL:** Do you have any reason to suspect that a submission made to PAC through the have your say website would be any less acceptable than a submission made through the normal committee process?

**Miss C Burch:** No, because, as I mentioned, we understood that it had happened

before with other third parties.

**MS CHEYNE:** Okay, so there was no discussion that there was a risk that the submissions might not be accepted?

**Miss C Burch:** No. No.

**MS CHEYNE:** Just in terms of consistency, Ms Lee says that the distribution of the letter was by volunteers only, but your submission says it was by you and Ms Lee and volunteers. Which is it?

**Miss C Burch:** I definitely personally delivered some of them.

**MS CHEYNE:** Yes.

**Miss C Burch:** I was under the impression that Ms Lee had as well. If that is not the case then—

**MS CHEYNE:** Great. Equally, for the purposes of the committee, you and Ms Lee state that the letter was distributed to apartments in different suburbs, but the suburbs are not consistent.

**Miss C Burch:** Okay.

**MS CHEYNE:** I think it is unhelpful for me to read them out, but perhaps on notice could you just clarify where they were distributed?

**Miss C Burch:** I think that I missed Griffith.

**MS CHEYNE:** Lyneham? Campbell?

**Miss C Burch:** I am not sure. Essentially we split up. We ordered 6,000 and split them 3,000/3,000. Her volunteers did the north side and my volunteers did the south side. I can't clarify what north side suburbs were done.

**MR WALL:** So essentially you just looked for apartment complexes within that portion of your electorate?

**Miss C Burch:** Yes, in that portion of the electorate. My volunteers and I definitely distributed in Kingston, Barton and Griffith.

**MS CHEYNE:** Yes. And just to be clear for the record, I am not suggesting that you are trying to mislead the committee in any way; this is just for the purpose of clarity about where exactly the letter went. I can completely appreciate that, if you split the suburbs, you would not necessarily know.

Noting that you are a new member and you had not done your own survey or used the website before, did you have any understanding about how it works or the back end of it?

**Miss C Burch:** No. My understanding was that all the submissions would be forwarded directly to the committee, that they were not going to be vetted in any way. That was my extent of my understanding of how the actual website worked.

**THE CHAIR:** Are you aware that the ACT government operates a community consultation website called your say?

**Miss C Burch:** Yes.

**THE CHAIR:** And has it been a cause of concern to you at all that the have your say website might be mistaken by members of the public, given its similarity of name?

**Miss C Burch:** It is not an issue that has ever been raised by anybody who I have spoken to who has used the have your say website.

**THE CHAIR:** Do you think it is odd that such a similar name was chosen?

**Miss C Burch:** No, I think it is a pretty standard name for a community consultation website.

**THE CHAIR:** Thank you. In his evidence Mr Coe indicated that the consultation on the have your say website was closed on the morning of 13 April. Do you know why it was closed on that date?

**Miss C Burch:** No, I do not know.

**THE CHAIR:** That was a couple of weeks after the closing of submissions for the inquiry. Do you know why the consultation continued after the committee was closed?

**Miss C Burch:** No, I do not know.

**THE CHAIR:** Why were you not involved in the management of that, given you distributed the letter?

**Miss C Burch:** Because the Coe office manages the website.

**THE CHAIR:** Okay.

**MS CHEYNE:** Does that give you further cause for concern that submissions were potentially received post the formal closing date and therefore—

**Miss C Burch:** No, because I think the letter we distributed clearly says that submissions were due by 23 March.

**MS CHEYNE:** When did you finish distributing the letter?

**Miss C Burch:** On 20 March.

**MS CHEYNE:** Did you receive any of the submissions that were made through the

have your say website?

**Miss C Burch:** No.

**MS CHEYNE:** Did you ask to receive any of them?

**Miss C Burch:** No.

**MR WALL:** What factored in your thinking to use the have your say website as a guiding tool for constituents to make submissions to the inquiry, as opposed to directing them directly to the committee's website?

**Miss C Burch:** I found that, for a lot of constituents, when you say, "Well, there is currently an inquiry; you should make a submission," whether it is about this inquiry or any other inquiry, the idea of a submission is quite daunting, and a lot of people think that it has to be a substantive document that a lot of work and facts and figures go into. So it was about just trying to assist people to understand that a submission can really be as simple as an email, and that is why the form on the have your say website made it really simple for people to make a submission. So it was just that trying to encourage engagement and making it easier for people to actually make a submission.

**MS CHEYNE:** Why did you not just say, "It is as easy as sending an email"?

**Miss C Burch:** We said that in the letter as well.

**THE CHAIR:** But you did not provide the email address to send it to.

**Miss C Burch:** No, because we had the link to the have your say website. I believe that the website, at the top of the page, did also have the email address.

**MS CHEYNE:** Okay, but just to clarify: your letter does not?

**Miss C Burch:** Yes, that is correct.

**MS CHEYNE:** It just has the link.

**Miss C Burch:** It has the link, yes.

**MR WALL:** Do you feel the distribution of your letter and the use of the have your say website helped facilitate submissions to the PAC inquiry that otherwise would not have been received?

**Miss C Burch:** Yes, definitely. I have only had positive feedback in response to the letter: people saying, "Thank you. We were not aware that the inquiry existed. We have now made a submission," or even: "We did not make a submission, but we are glad to know that the inquiry is taking place."

**MS CHEYNE:** Do you think that it would have had just the same impact if you had said to people, "Send an email to this email address"?

**Miss C Burch:** I cannot say.

**MS CHEYNE:** Just following on from Mr Rattenbury's questioning earlier, did you talk to Mr Coe at all about the importance of doing a reconciliation between what was made through the link versus what was actually received by PAC?

**Miss C Burch:** No.

**MS CHEYNE:** Why not?

**Miss C Burch:** It did not occur to me to because, as I said, his office manages the website.

**MS CHEYNE:** Okay. But just stressing that point, given that you really wanted people to make sure they were having their say through the committee, you did not feel it was important to make sure that was actually getting through to the committee?

**Miss C Burch:** Look, as I said, I do not know the mechanisms and the back end of how the website works, so, no, it was not a conversation that I had.

**MS CHEYNE:** On that, it is consistent throughout all the evidence that you and your colleagues are of the view that the current submission and committee process is daunting and that you wanted people to make a submission. But, given your lack of knowledge about how the website works—that you did not know that it would definitely be forwarded on; you just had an assumption or were told and you did not do your own reconciliation—how does it follow that this was definitely an easier and proper way of making a submission to the inquiry?

**Miss C Burch:** Because the interface made it easier for people to engage and to make a submission. As I said, I was told that those would be forwarded on and they were not going to be vetted in any way. That was the extent of our conversation about it.

**MS CHEYNE:** Okay. Did you ever have any further conversations with Mr Coe after the letter was distributed about how many submissions had been received?

**Miss C Burch:** No.

**MS CHEYNE:** Okay. Were you aware that the information, in addition to being forwarded on to PAC, would also be held by Mr Coe's office?

**Miss C Burch:** I was aware that it would all be published publicly when the submissions were accepted by the inquiry. I did not have any further conversations around it.

**MS CHEYNE:** Okay, but you did not know that in addition to being forwarded to PAC it also gets forwarded to a central email box managed by Mr Coe?

**Miss C Burch:** No.

**MS CHEYNE:** You did not share any of that data with him?

**Miss C Burch:** No.

**THE CHAIR:** Can you clarify: did you have any involvement in the design of the survey?

**Miss C Burch:** No.

**THE CHAIR:** The survey was entirely designed by Mr Coe or his office?

**Miss C Burch:** Yes. Well, I did not have involvement; I do not know if others had involvement.

**THE CHAIR:** Sure. That is a fair point; you are right to draw that distinction. And did you see the survey before you sent the letter with the link in it?

**Miss C Burch:** Yes. After the advice came back from the Clerk about the words at the top of the survey, I saw the survey, yes.

**THE CHAIR:** All right. Does anybody have any further questions?

**MS CHEYNE:** How else did you promote the inquiry?

**Miss C Burch:** Apart from mentioning it to constituents when they raised the rates issue, the only other way was through the letter.

**THE CHAIR:** Is there anything that you want to add, before we conclude the hearing for today, that we have not asked you about that we should have or that you want to add?

**Miss C Burch:** No, I think that covers everything.

**THE CHAIR:** All right. No further questions, members?

**MS CHEYNE:** No, thank you.

**THE CHAIR:** Thank you, Miss Burch, for appearing before the committee today. You did not have any questions on notice. If there are any issues with the transcript, we will inform you. Otherwise we will report to the Assembly as soon as we can. Thank you.

**The committee adjourned at 9.16 am.**