



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**STANDING COMMITTEE ON ECONOMY AND GENDER
AND ECONOMIC EQUALITY**

(Reference: [Inquiry into Annual and Financial Reports 2022 - 2023](#))

Members:

**MS L CASTLEY (Chair)
MS S ORR (Deputy Chair)**

PROOF TRANSCRIPT OF EVIDENCE

CANBERRA

FRIDAY, 24 NOVEMBER 2023

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**Secretary to the committee:
Ms S Milne (Ph: 620 50435)**

By authority of the Legislative Assembly for the Australian Capital Territory

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

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Privilege statement

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Amended 20 May 2013

The committee met at 10.00 am.

Appearances:

Barr, Mr Andrew, Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism

Chief Minister, Treasury and Economic Development Directorate
Arthy, Ms Kareena, Deputy Director-General, Economic Development
Triffitt, Mr Ross, Executive Branch Manager, Events ACT
Kobus, Mr Jonathan, Executive Branch Manager, VisitCanberra

THE CHAIR: Good morning, and welcome to the public hearings of the economy and gender and economic equality committee inquiry into the annual and financial reports for 2022-23. The committee will today hear from the Chief Minister and Minister for Tourism, and the Minister for Industrial Relations and Workplace Safety.

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 the city and this region. We would also like to acknowledge and welcome other Aboriginal and Torres Strait Islander people who may be attending today's event.

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

We welcome Andrew Barr MLA, Minister for Tourism, 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. Please confirm that you understand the implications of the statement and that you agree to comply with it.

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

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

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

THE CHAIR: There are no opening statements, so I will kick off with my first question. I would like to have a chat about Floriade. On page 25 of the annual report, volume 1, it says that Floriade successfully returned to its traditional format at Commonwealth Park, and that you achieved a record Enlighten Festival attendance, with two events delivering a combined \$45.7 million in direct economic benefits. I note that page 21 of the 2019-20 CMTEDD annual report, volume 1, states that Floriade alone generated a direct economic impact of \$44.7 million for the territory.

Can you provide me with the breakdown for this current report, and separate Enlighten and Floriade?

Mr Triffitt: Yes, I can. With the breakdown of that \$45.7 million, Floriade was \$38.9 million, and the other figure was \$6.8 million.

THE CHAIR: For Enlighten.

Mr Triffitt: So there is a rounding adjustment there.

THE CHAIR: Can you break down the attendance for both of them as well?

Mr Triffitt: For Floriade, in 2022, it was over 427,000 people and for the Enlighten Festival, in 2023, it was 391,826.

THE CHAIR: Do we have figures for the attendance this year? Is it too early to tell?

Mr Triffitt: For Floriade?

THE CHAIR: Yes.

Mr Triffitt: Over 433,000, so a slight increase on last year.

THE CHAIR: You have given me the attendance figures, but do we have the direct economic figures available for this year, or do I have to wait until next year for that?

Mr Triffitt: Not yet. They are probably still about six weeks away.

MS ORR: I have a question on the theme of Floriade and NightFest. What were some of the highlights of Floriade and NightFest this year?

Mr Triffitt: First of all, Floriade has a different theme each year, and this year's theme was "floral wonderland". With some of the new elements that were introduced, we had the Wonderland Spiegeltent. We had a couple of shows that operated in addition to the free programming that occurs throughout the 30 days of the festival. There was *A Neverland Adventure*, an award-winning show from Adelaide Fringe. That was on during the school holiday period for families. We had at NightFest *Popcorn Underground*, which proved to be a very successful adults-only burlesque show, which sold very well. In fact, we sold over 90 per cent of the tickets to that particular show.

NightFest was very successful, with over 80 per cent of tickets sold. We sold out on the Saturday night. We had our second highest attendance overall at NightFest, with, I believe, just over 27,000 people. As I said the attendance overall at Floriade was over 433,000, so it ranked as the eighth highest attendance we have had at Floriade.

There were a number of other new initiatives in relation to transport. We made improvements to accessible parking. We increased the frequency of the free shuttle service that was servicing the city. We had additional free shuttle buses on weekends servicing Queanbeyan, Tuggeranong, Belconnen, Woden and Kingston. We had

walking trails that were delivered by our partners, the NCA and the CRA, throughout the city and throughout the national triangle that connected parking and public transport to Commonwealth Park, and some increased signage identifying surrounding car parks. That was all supported with marketing and promotion around the public transport and active travel options. We also had a ferry service, which proved to be very popular, from Kingston foreshore and Commonwealth Place. Certainly, the transport options proved to be very successful.

The community program continued. We had 94 different community groups engaged in the program, distributing 300,000 bulbs and annuals throughout the city at over 99 sites in 65 different suburbs. We also piloted a satellite site at Lanyon Homestead, a new initiative in between the Floriade experience in Commonwealth Park and the Floriade community program, which proved to be very successful for Lanyon Homestead in increasing their visitation, which was augmented with programming that they delivered at their expense. In terms of the business engagement, our Floriade About Town had 45 small businesses participating. It was an opportunity for them to promote their products and services to the Floriade audience.

Overall, we were very pleased with the results, and we were fortunate to have some good weather, and we will continue to build on that for next year.

Mr Barr: There might have been a first for the event as well. We had a prime ministerial visit. I do not recall the Prime Minister of Australia ever visiting the event before, but he did this year.

MS ORR: Did he enjoy it?

Mr Barr: Yes.

MS ORR: He was there for the burlesque show; right?

Mr Barr: No, but I did buy him a coffee and he bought some socks from Capital Socks.

MS ORR: It sounds like he had a lovely day out.

Mr Barr: He did.

THE CHAIR: I note that there was a *Canberra Times* article dated 13 July 2022 which talked about an extra \$600,000 for advertising campaigns for 2022-23 as part of a \$1 million investment which was allocated after the pandemic to support major events. We saw a significant drop in attendance for Floriade last year. We have just looked at those figures. It was 427,000; it is up this year, looking at 433,000. Has CMTEDD completed a review into the additional funding? It has not got up to—was it 600,000 that you were hoping for?

Mr Barr: No.

THE CHAIR: Are you reviewing this spend, because we have not seen that increase that we were hoping for?

Mr Barr: I would reject the premise of the question. I set an ambitious target that we would aspire towards 500,000, but that has, I think, only ever been achieved once.

THE CHAIR: In 2019.

Mr Barr: Yes. We always endeavour to set an ambitious target for the event. As Mr Triffitt has outlined, the event has been running for—

Mr Triffitt: Thirty-six years.

Mr Barr: Thirty-six years, so we achieved the eighth highest attendance ever this year. Eighth out of the 36 events is a pretty good outcome, given some of the prevailing domestic economic challenges around cost-of-living pressures that have meant some people have determined not to travel because they are saving money.

THE CHAIR: It is a lot of money to invest into—

Mr Barr: We did not invest it just in Floriade; we invested in a range of activities. Mr Kobus or Mr Triffitt may wish to talk a little about that.

Mr Kobus: In terms of the investment in marketing activity, we apply that broadly across marketing Canberra as a place to visit. That investment is applied across a range of initiatives, from raising awareness, generating intention to visit, converting people to visit, and continuing the conversations with people when they are in the city. Our investment goes across paid advertising, it goes into our PR projects, it looks at our social media activity and at how we engage with people when they are in market, so that the investment is spread over a wide range of opportunities.

THE CHAIR: You are happy that the spend has been worth it; you think that it was a good use of additional spending, or would that have happened, anyway?

Mr Kobus: For the year ending June 2023, currently we have had the highest growth in terms of domestic overnight visitation in Australia. Our domestic overnight numbers are higher than for the Northern Territory and Tasmania. Based on the figures, and assuming that what we do has an influence on the market, that money seems to be working appropriately.

THE CHAIR: The article that I mentioned states that overnight spending was at \$1.38 billion in the year ending September 2021. Do we have an update on spending for overnight visits for 2022? I know we are not finished with 2023 yet, but do we have any idea how that is looking?

Mr Kobus: Yes. Our current figures go to the year ending June 2023. In terms of our total overnight visitors, we had 3.1 million overnight visitors. Our total visitation is about 5.5 million at the moment. The domestic market has recovered to about 89 per cent of pre-COVID levels, largely driven by the leisure market. Leisure is effectively at 100 per cent of pre-COVID levels. The bit that probably has not returned as strongly is the business sector—the business market. Conferencing is strong, but those one-day, one-night business trips are the thing that has slowed down, and it is

reducing our capacity to be back at 100 per cent.

Our domestic overnight expenditure for the year ending June 2023 was \$3.4 billion. Pre COVID we had set the target of \$2½ billion. Combined with day trips, it was around \$3.3 billion. In terms of expenditure, we are exceeding pre-COVID levels. Destinations around the country are exceeding pre-COVID levels at the moment, just because everything costs more. The expenditure targets are inflated, and the cost of travel and cost of goods and services contribute to that.

THE CHAIR: I will get back to the overnight trips in a minute. There was a second article on 24 June this year that announced that the ACT government will be giving a \$5 million boost to the tourism industry in the 2023-24 budget. Is this a separate measure to the \$1 million in funding that was announced back in the 2022-23 budget or are these overlapping?

Mr Barr: No, they would be separate.

THE CHAIR: Totally separate?

Mr Kobus: Yes, separate.

THE CHAIR: Will part of that be for advertising Floriade, for those events, or is this just separate, for Canberra in general?

Mr Kobus: The total contribution to tourism was a combination of event support and tourism support. From the VisitCanberra perspective, we applied funding across a range of initiatives, including marketing activity, but the marketing activity that we do specifically through VisitCanberra supports Floriade but does not conduct the Floriade campaign activities specifically. Everything that occurs under the banner of Floriade is executed by the Events ACT marketing team.

THE CHAIR: Do you track that spending—how many people have come to Canberra purely because of a specific marketing campaign? Are there KPIs for this money?

Mr Kobus: The figures that we use to track visitation to Canberra are done under what is called the National Visitor Survey. All states and territories invest in the services of Tourism Research Australia to conduct a survey called the National Visitor Survey, and we get quarterly data on that. That also reports on the year ending data. It is collected consistently in every state and territory around Australia, so it is a good benchmark to work towards each quarter in terms of tracking that.

MS ORR: What is the ACT government doing to attract major events to Canberra and what is the economic return on these events? We have been talking about attracting people to Canberra, visitor numbers and so forth.

Mr Barr: We have a Major Event Fund and that supports a range of events and activities. It has had a very successful return on investment. I will invite Mr Kobus to give some more information.

Mr Kobus: Yes, our Major Event Fund has been running since 2011. Just over \$13 million has been invested to support major events and exhibitions in Canberra across that period. There have been 48 events that have been completed and acquitted, as funded under the Major Event Fund, linked to that \$13 million investment. The total economic return as a result of the Major Event Fund is approximately \$1.1 billion, so we tipped over the billion-dollar mark late last year. The ROI as a result of that investment is about 80 to one—\$80 returned to the territory for every dollar invested through the Major Event Fund.

MS ORR: Over the last 12 months, what are some of the events we have seen supported by that fund?

Mr Kobus: Probably one of the most successful events that we have had in the last 12 months was at the National Gallery of Australia, which was *Cressida Campbell*. The great thing about it is that it was a living Australian female artist. In terms of some of the other major art exhibitions that have been held at the National Gallery of Australia, it does not have the broad appeal or the market is not so familiar with her work, but the way in which the exhibition was pitched to the market and the way it was curated and presented were really well received. With *Cressida Campbell*, just over 87,000 people went through the doors to see the exhibition; 65 per cent of them were from interstate, and it generated over \$21 million for the economy.

What we consistently see, with the Major Event funded exhibitions, is that the average interstate visitation is generally above 60 per cent across all events funded. A really important part of how we assess applications is the ability to drive overnight visitation. Canberra is a market of around 450,000 people. Some of these events cannot be successful just from the Canberra community itself, so it is an investment that is made specifically to drive visitation from interstate.

We work with the funded partners to develop the campaigns. We support the promotion of the event through our own activity through VisitCanberra, and we align the reach and placement of the marketing activity into the markets that we see to be most important.

MS ORR: Will that program continue over the next 12 months?

Mr Barr: Yes, it is open for applications annually. The lead time for events tends to be that we have made determinations well in advance of the event. There is an application process and we will determine support based on an assessment of the return on investment.

Mr Kobus: Applicants can develop applications in a way that they see will be most compelling in terms of arguing their case. There are a set of criteria that they have to meet in terms of demonstrating the event's capacity to drive significant visitation. There is a 12-month allocation of funding that we look to allocate. It is \$1.35 million per year at the moment. There is also \$150,000 out of the total Major Event Fund budget that goes towards our Business Event Fund, which is working with the Canberra Convention Bureau around attracting business events that have the capacity to drive visitation as well.

THE CHAIR: Do you think that expanding our convention centre would help to turn around that business element?

Mr Barr: On the conventions market, it is pretty well full. As Mr Kobus indicated earlier, it is not so much conventions but other forms of business travel. There is no doubt that, with more convention facilities, the demand would be there for additional events. It would depend, obviously, on the scale of the event as to what the economic contribution would be. The return on investment for events we are supporting through the Major Event Fund, at 80 to one, tends to be the highest return on investment. It is not as high for some of the other activities.

THE CHAIR: I will go to the decline in overnight spending, but the business element is down. That is a bit of a concern.

Mr Kobus: The Business Event Fund has been quite successful in its capacity to stimulate the market. There has been \$300,000 invested to date through the Business Event Fund; \$237,000 of that has been allocated to 22 events. The Convention Bureau estimate that the economic contribution from those funded events from the Business Event Fund is just over \$15 billion, so that is just about a 52 to one return so far.

THE CHAIR: I have a report on domestic mobility data in front of me, and increased spending of \$5 million that we have just discussed. It aimed to increase visitors and subsequent economic benefits. Tourism Research Australia's domestic mobility data shows that between October 2022 and 2023 we have had an eight per cent decline in overnight trips, and it seems to have been declining since February. Do we know why that is the case?

Mr Barr: Yes, economic conditions. In business travel, online capability, Zoom meetings and the like are often now substituting for some travel as businesses cut back their travel expenses.

THE CHAIR: Do you agree that this year's data for trips to the ACT is below what is needed to meet some of the targets outlined in the ACT Tourism Strategy?

Mr Barr: We will significantly exceed those targets based on our current performance, but that is because other sectors are performing above. Business is down, but leisure and others are performing above, so the total effort will well exceed our targets.

THE CHAIR: It is interesting, isn't it, that, even though we are in a cost-of-living crisis, leisure is increasing?

Mr Barr: Certainly, the spend in activity is, yes, which is demonstrating the success of the marketing campaigns. Obviously, there is a substitution element within tourism. The biggest market in Australia is Sydney. It is a three-hour drive away, so Sydney people will make a choice, and it would be cheaper in many instances to drive the family to Canberra than it would be to put everyone on a plane and fly to Melbourne, Adelaide, Perth or Brisbane. We are well placed in the drive market in particular. People are looking for cheaper ways to travel.

The other element of our focus has been on low-cost aviation, because beyond Sydney and the three-hour drive market, our next-biggest markets generally require people to fly here. Having low-cost carriers and more competition in aviation are important to be able to attract them, and we have had some success there.

THE CHAIR: Do you still believe that the current approach will meet the targets in the strategy?

Mr Barr: Yes, we are ahead of the targets in the strategy.

THE CHAIR: At the moment?

Mr Kobus: Yes. The ACT experienced the biggest growth in domestic overnight visitation of all states and territories for the last year ending results.

THE CHAIR: Okay. Despite the past eight months, the decline in this particular report—

Mr Kobus: Yes. It probably highlights the importance of ensuring that we pay attention to the diverse nature of what makes up the visitor economy and the markets we target. Coming back to the previous example of the Major Event Fund, it does appeal to a section of the market that is travelling and is able to travel, and that provides us with a competitive advantage in where we are located geographically. Being close to Australia's biggest market is also a really important competitive advantage for Canberra.

What we are seeing as well is that it is important not to discount the role that a rebounding international market is having on our visitor economy. International spend since March this year is up \$98 million and that is largely due to the recovery of our key international markets, in particular India, which is now 130 per cent of what it was in 2019, driven by improved access to Australia from India. Canberra is the beneficiary of that. We anticipate that the international market will continue to return and grow in a positive direction, given our visitation from China is only about 30 per cent of what it was in 2019. It was our strongest market pre-COVID.

Mr Barr: You may have noticed there has been an improvement in the Australia-China relationship. Australia is now accredited back as an approved destination. Obviously the deterioration in the relationship between the former Australian government and the Chinese government led to a number of trade sanctions. Included in that was travel. China was our No. 1 market and that market almost completely collapsed as a result of COVID and the economic and political difficulties. That is now on a path to recovery. China is the biggest market and India a close second, but I think both have very strong prospects and I imagine they will be the No. 1 and No. 2 international markets, so it will be a focus for the territory government in 2024. Through VisitCanberra, we will have a real focus on India and China.

THE CHAIR: Did we meet our targets for elite sporting events?

Mr Barr: In what sense? In terms of—

THE CHAIR: Just the budget. I am trying to understand what—

Mr Barr: I think that hearing was the other day, but we can provide that information.

THE CHAIR: That is fine. That is not necessary. I can find that.

Mr Barr: Okay.

MS ORR: Picking up on that, you noted that China and India will be big focuses for you. What sorts of things will you be looking at, given that they are quite significant markets that have a lot of potential?

Mr Barr: We work with Tourism Australia as our partner in those markets. Obviously, they have on-the-ground presence and established networks and channels to support inbound tourism into Australia and they do programs with each state and territory. Mr Kobus represented the ACT at a recent coordinated “Team Australia” effort with every state and territory in China, so I will hand to him to talk about that.

Mr Kobus: In terms of maximising the opportunity in the international marketplace, working with Tourism Australia is absolutely fundamental to our approach. Tourism Australia invest significantly in the international market space, so, from our perspective, we will never be in the international market trying to run big brand campaigns in our own right; it makes sense for Tourism Australia to lead the visit-Australia approach and then for us to come underneath that and try to get the conversion about why to include Canberra as part of a visit to Australia.

Tourism Australia run a whole range of events during the year that we are able to connect to to support those efforts. One of those was the “Team Australia” effort into China. It was essentially Tourism Australia relaunching Australia to the Chinese market, and that enabled us to connect and be a part of a program that we would never otherwise be able to deliver on our own. Across three different cities, it enabled media opportunities, presentation to different agents, and meeting with different airline groups and key influencers in the Chinese market to really ensure that the reputation and visibility of Canberra was noted as part of that.

Probably the biggest event that we participate in each year that is run by Tourism Australia, and it gives us the capacity to highlight where Canberra sits in the context of an Australian visit, is the Australian Tourism Exchange. Over a thousand international delegates attend that event. We conduct over 150 face-to-face appointments with different agents as part of that and we invite industry to attend the event with us. Tourism Australia runs similar trade focused events in a number of key markets around the world that we participate in as well. That enables us to sell Canberra face-to-face to agents in different countries. For example, in the last 12 months we have participated in Tourism Australia’s marketplace events in Singapore, India and the US. We participated in a roadshow to New Zealand. Again, Tourism Australia do all the hard work in setting up the events. We participate and then sell Canberra as part of that whole Australian story.

Tourism Australia also run a big program called the International Media Hosting Program. Again, they have the connections internationally to connect with key media

outlets in key markets. When media visit, we are given the opportunity to be included as part of itineraries, as part of the visiting journalist programs. Another major initiative that Tourism Australia run is called the Aussie Specialist Program where Tourism Australia train travel agents in all the key markets around the world and then, as part of that, we are able to link to it and participate in webinars and other forms of training where our staff ensure that there is a Canberra message and story sold as part of that. That investment is far beyond just selling it through paid advertising campaigns. There is a lot of work done on the ground with face-to-face engagement to ensure that Canberra is top of mind.

Mr Barr: This has come a lot from Mr Kobus's work in China. We will be hosting a delegation of Chinese airline leaders here in Canberra. I will be doing that in a couple of weeks. It is a pleasing follow-up invitation to visit Australia. They were very keen to come to the capital, so we will be meeting with them.

Beyond China and India, obviously we look at a couple of other particular markets. The United States, with the Fiji Airways connection, is one stop via Nandi—direct to Canberra from Los Angeles, San Francisco, Vancouver in Canada, with Fiji Airways adding some other American cities. We have been working with Tourism Australia in the North American market and undertook a recent trade mission that had a particular focus on partnerships with Fiji Airways, Tourism Australia and VisitCanberra. New Zealand, which is traditionally one of the top five inbound markets to Australia, is another focus for us. There are opportunities to connect Canberra and Auckland that we are pursuing.

MS ORR: Given that global aviation was quite impacted by the pandemic and is still recovering, and obviously it has had an impact here with the international flights we see coming to Canberra, what opportunities do you see for Canberra to start to re-establish or establish new connections internationally as that recovery of the aviation sector goes forward?

Mr Barr: There has been somewhat of a shake-out of the international aviation markets. Significant players are still rebuilding both their fleet and their staffing capabilities. One of the things that has been holding back some additional capacity into Australia has simply been not having enough pilots, crew, engineers, baggage handlers et cetera. The outlook for 2024, from the CAPA Australia Pacific Aviation Summit, which I attended a couple of months ago, is quite positive, so we are pursuing a number of opportunities with both domestic and international partners. It was really pleasing to see Fiji Airways lift their service and put an extra service on each week into Canberra. They have gone from two to three, and one of the things that we want to work with them on is turning three into four and then progressively building demand.

We think the New Zealand opportunity is best placed with Qantas when their new A220 aircraft comes into service. They have announced that the first such aircraft that they will take to renew their fleet is coming to Australia soon. They are going to deploy it on the Canberra-Melbourne route, which we are delighted to hear, but, as they add new aircraft to the fleet, that A220 has the capacity to comfortably fly to Auckland and, at around 137 seats, it is the right sized aircraft for our market. There is a particular short- to medium-term opportunity with them.

I touched on low-cost carriers earlier. We will continue our engagement with airlines like Jetstar and Bonza to seek to expand the range of services that they provide as well. As Virgin and Rex are in the international sphere, I will be meeting with Singapore Airlines again in the next month or so.

THE CHAIR: I would like to know a bit more about your travel. You have been on a number of trips this year. How many overseas trips have you been on? You outlined a couple.

Mr Barr: I have been on a trade mission to Korea, I have been to Singapore and we did the US.

THE CHAIR: So that is three. I note the standard practice for overseas trips is that you go business class, over a certain amount of time, I believe.

Mr Barr: Yes. The Remuneration Tribunal sets the travel entitlement for flights over a certain length. The ACT government executive policy for short trips, particularly Canberra-Sydney, is to go economy, but, when you are on an 18-hour flight, you travel in business class.

THE CHAIR: How many people go with you? Do you take staff members?

Mr Barr: That is reported, obviously, in the members' travel reports. Depending on the nature of the trade mission, the Commissioner for International Engagement is involved, and Mr Kobus is involved when it is tourism related. What I tend to do, given I have limited capacity to be away, is combine Chief Minister, tourism minister—and I am the minister for trade as Minister for Economic Development—higher education and climate. Generally, my trips involve all my portfolios and often I also represent other ministers' portfolio interests.

Occasionally, international travel has also coincided with nationally coordinated activities—when, for example, the Prime Minister is leading a “Team Australia” approach. Malcolm Turnbull did that into the US market several years ago, pre-COVID. That is generally the nature. Every state and territory government, and indeed the Australian government, has a trade area and a tourism area, and we coordinate our activities.

THE CHAIR: You went to the US—I believe Los Angeles, New York and Washington—and that was to encourage US tourism back to Australia?

Mr Barr: That was an element. On both the west coast and the east coast, Tourism Australia and VisitCanberra coordinated a range of activities, in Los Angeles principally. There was one set of engagements in New York that related to that. We had to transit from the west coast to the east coast. I think we had one working day.

THE CHAIR: If we are encouraging people to come to Australia, what is it that you could possibly do in America to encourage that? Should we not invite them here?

Mr Barr: The process involved a series of engagements that Tourism Australia

coordinated for us, principally with travel agents and market representatives. Then we seek to combine our promotion with the airlines. It is in the interests of Fiji Airways to have US passengers out of the US, and one of the particular avenues that we are pursuing is combined Fiji-Australia work that is part of our effort to support the Pacific as well. The diversity of a travel experience that includes a stopover at a tropical island as well as a visit to Australia is a quite compelling opportunity—

MS CLAY: I have done it myself. I understand.

Mr Barr: particularly given we are a long-haul designation for the US and Americans do not get as much leave as we do. Being able to package a combined Fiji-Australia experience is very attractive to certain market segments.

THE CHAIR: Have we seen it increase yet?

Mr Barr: Fiji Airways have increased their flights from two to three, and we are seeing more people coming in.

THE CHAIR: I note you mentioned China. Do you have a trip booked for China next year? Is that what I heard you say?

Mr Barr: Certainly that is the intention. I had a formal invitation from our sister city, Beijing. I believe I am hosting the vice mayor here in Canberra soon. We have also had a number of other Chinese delegations in Canberra in recent times. I note that, obviously, the Prime Minister recently visited, as has nearly every other premier or Chief Minister. The ACT will not not go to China; we have had a formal invitation and Beijing is our sister city.

MS ORR: While we are still broadly on the topic of aviation, what is being done to improve cancellation rates, particularly on the Canberra-Sydney route? It is a little bit more domestically focused than internationally focused.

Mr Barr: I understand that the airport group and Qantas are in dialogue around those matters. What I have seen reported is that Qantas have acknowledged the issue and have changed some of the aircraft type that they are putting on the Canberra-Sydney route. There is a combination of jet and turboprop services. Their explanation around cancellation rates largely goes to when the next available flight would be and trying to have the least amount of disruption. There is a degree of credibility to that, but perhaps not with one in 10 flights being cancelled. I welcome the fact that the airport and Qantas are in dialogue about how to improve the reliability of that service, given that Qantas, I understand, operates about two thirds of the Canberra-Sydney flights each week.

THE CHAIR: I have a final question and it is about the Floriade and Enlighten strategic review. I note that there has been a delay in the Floriade and Enlighten strategic planning. The 2021-22 annual report said that the strategic plan was going to cover 2023 to 2027. The latest annual report shows that you are now looking at between 2024 and 2028. Was it delayed or did I get that wrong?

Mr Kobus: That is correct.

THE CHAIR: Why?

Mr Kobus: There were a number of factors that caused the delay: the availability of the consultant; the timing of the one-on-one interviews and stakeholder engagement was aligned with the events; and essentially workload and available resourcing. Obviously, COVID was a consideration around the timing of the engagement as well.

THE CHAIR: The availability of the consultant that is helping to write the strategic plan?

Mr Kobus: Correct.

THE CHAIR: Were they engaged before? Why were they not available?

Mr Kobus: Due to the postponements of events and in relation to availability of stakeholders and the timing of some of the engagement around stakeholder consultation. That pushed the project out, and then the consultant was not available to the new time frames, which caused it to continue to blow out a little longer.

THE CHAIR: Has it been completed now or are we looking at 2024-28—still in progress?

Mr Kobus: Essentially, the Enlighten strategic plan has been completed. It is with the government for approval. That process is complete, and the final stage of the Floriade strategic plan is underway.

THE CHAIR: Do we know when to expect that?

Mr Kobus: Early in the new year, I would imagine.

THE CHAIR: What are some of the outcomes? Do we have any idea of what we are trying to achieve with the plans? Are we seeing great changes? What do you have in mind? Do you know?

Mr Barr: We will obviously make some announcements on that once the government has considered it.

THE CHAIR: It was worth asking. Thank you, Chief Minister. On behalf of the committee, I would like to thank you for your attendance today. I believe there were no questions taken on notice. I thank everybody who has been involved in getting today together and for coming along. It has been a good session.

Hearing suspended from 10.44 am to 2.50 pm.

THE CHAIR: Welcome back to the public hearings of the economy and gender and economic equality committee's inquiry into the annual and financial reports for 2022-23.

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 could use these words, “I will take that question on notice.” This will help the committee and witnesses to confirm questions taken on notice from the transcript.

We welcome Mr Andrew Barr MLA, Chief Minister, 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. Please confirm that you understand the implications of the statement and that you agree to comply with it.

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

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

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

THE CHAIR: There are no opening statements today. I will kick off with a question about the wellbeing dashboard. I note that the accountability indicators say that six were met and one was not. It says:

We met six of our accountability indicators for this output in 2022-23. The accountability indicator not fully met was:

1.1a—whole of government policy and project initiatives, in which we delivered 2 out of 3 initiatives. The variance was due to the survey that supports the Wellbeing Data Dashboard remaining open in the field longer in order to increase the response rate, which flowed through to a delay in publishing updated data in the 2022-23 financial year. The dashboard is now expected to be released in the fourth quarter of 2023 ...

Delays in publishing an update to the Wellbeing Data Dashboard during 2022-23 have been experienced. While data was able to be collected during this time period from data owners internal and external to government, there were unexpected delays in receiving around one third of the data, which subsequently impacted the preparation of the update within the 2022-23 financial year.

That was stated on pages 32 and 53 of the annual report. With the unexpected delays in receiving one-third of the data, was that data from the University of Canberra’s Living Well in the ACT Region survey?

Ms Croke: Yes, it was the UC survey data. It was out in the field for longer than they had anticipated, but it resulted in more responses coming through. That data came in later, and that data has since been worked through.

THE CHAIR: How is the trust in government measurement going? I looked on the dashboard just before we came down, and it says that it is still under development as part of a future UC survey.

Ms Croke: We have now done the analysis of all of the indicators. The dashboard is

in its final stages of approval.

THE CHAIR: When did the dashboard start?

Ms Croke: We released the dashboard—I will check with Mr Robinson to see whether I am correct—in April 2022.

Mr Robinson: 2021.

THE CHAIR: It says that it was supposed to be updated in 2022. That is the text on the dashboard. It is a long time to get that trust in government happening. What about the other two-thirds of the data? You said that is UC; we have more information, which is excellent. Two-thirds of the data is still derived from other series, like ABS data. Some of it comes out monthly, some annually and some comes out every five years. That element is mainly second-hand data; is that right? We are getting two-thirds of the data from external sources?

Ms Croke: No, not entirely. Some of the data actually comes from our own administrative data within directorates. It is a combination of—we might have answered this question on notice last time—administrative data, UC data and data from external sources like the ABS and HW, and there are other examples. I think we put that in the answer to the question on notice that we took.

THE CHAIR: Why does the dashboard still showcase ABS labour force data from 2020 as an example? I believe this is updated regularly. It seems that nothing has changed since the last time I asked you these questions.

Ms Croke: What we are now doing, with the wellbeing data dashboard, is to link to the treasury website, where a lot of the economic data is released far more frequently. We are updating the dashboard in full. We did not want to use a process, as data is updated, like monthly, of the dashboard to tell that story. That is not really the purpose of the wellbeing dashboard.

Where we have indicators that are common, and they are updated more frequently, we are referring to where they are published on ACT government websites—for example, the treasury website.

THE CHAIR: With the census data on homelessness, we have had two iterations of that dataset and I think we are still looking at 2016 figures. It seems a bit of a stretch to say that it is all working and up to date. Surely—

Ms Croke: I might check with my colleague on that one.

Mr Robinson: We are about to release the update of the dashboard. I think that Ms Croke, at the budget estimates, indicated that we would release it in quarter 4. At that point we will pick up any measures that are census related—the 2021 census.

In terms of homelessness, with 2021 and, previous to that, 2016, there are other ABS datasets, but some are only produced by the ABS every two years. The latest of all of the datasets will be included in the update, in terms of its release.

The other point to make is that the purpose of the dashboard is really to look at progress over time. For a number of measures on the dashboard, particularly those that are higher level, and absent some of the circumstances we have been through of late in the last couple of years, typically, they will not move that much in short periods. It is not our intention to publish monthly data on everything that might come out consistent with the ABS. As Ms Croke said, we will make sure that we have links there to the relevant ABS data and the treasury releases.

The purpose of the dashboard is to look at progress over time; hence the commitment that we made to update the dashboard on a two-yearly basis.

THE CHAIR: Yes, I understand that. Chief Minister, what are your thoughts on the fact that one of the measures—there are a couple of them—is seven years old? Has this been a bit of a PR exercise? If anyone wants to look at the ACT wellbeing dashboard, they are looking at 2016 data in some cases. For the trust in government one, there is still nothing there.

Mr Barr: I think you have heard how data is collected and when it will be added. It is not as if, for many of the points you have raised, the data is not available publicly elsewhere.

THE CHAIR: Is that not the intention? It is progress over time, but in some instances there is just nothing there.

Mr Barr: In some instances—

THE CHAIR: You told Canberrans that this was a way to check our wellbeing.

Mr Barr: In some instances there are new datasets. In some instances we draw upon existing datasets that are publicly reported on a monthly, quarterly, annually or biannually—

THE CHAIR: Seven-yearly—

Mr Barr: In some instances some datasets are long run. Yes, every five years.

THE CHAIR: That data has come out twice since then. We have had fresh data.

Mr Barr: Yes, and you have just heard that it will be updated.

THE CHAIR: After this next quarter, when it all gets updated, when will the next update happen?

Mr Robinson: The commitment that was made, as part of the framework when we introduced and launched it, was to update every two years.

THE CHAIR: Two years. Across the whole—

Mr Robinson: Across the dashboard.

Ms Croke: But we would then continue to include links to, for example, treasury data or other economic data that is used and published for other purposes within ACT government.

THE CHAIR: Yes, I understand that. I know there are links that go to that active data, but the text underneath still references old data. It is almost like the links have been updated but the text around it is still old—

Mr Robinson: Our hope would be to get to a point where we can, in a sense, have real-time updating for the particular measures. If a measure is annual, we might be able to update annually through an automated process with data providers. But there is a bit of work to be done there to be able to do that. We have committed to every two years, in terms of looking at progress over time.

MS LEE: You mentioned, Ms Croke, that you get data from across a number of sources, including directorates. You referenced treasury data quite a few times. Do you get data from all directorates?

Ms Croke: We definitely get data from the Health Directorate, the Education Directorate, the Community Services Directorate, the JACS directorate, EPSDD and TCCS.

Mr Robinson: Across directorates.

MS LEE: It will take forever if I ask you to give me the data that you get from each directorate—perhaps on notice. For the benefit of this hearing today, for example, from the Health Directorate, what type of datasets do you get?

Ms Croke: I will pop onto the wellbeing dashboard.

Mr Robinson: There are measures that arise out of the General Health Survey. There are measures that arise out of life expectancy tables and so on. They are probably the main health measures. The General Health Survey covers a wide range of sleeping, eating habits, mental health and so on. The General Health Survey is one of the sources of data for the dashboard.

MS LEE: How often is the General Health Survey conducted?

Mr Robinson: It is conducted annually, but not all questions are asked every year.

MS ORR: On the Wellbeing Framework, I understand that it has been in development for a number of years, and it is quite a big project. I think it is one of the only types of its kind in Australia. I know that there have been a few challenges in pulling together different datasets, aligning them and making sure that we have a consistent dataset there for us to use in the way we want. Can I get an update over the last 12 months of the work you have done to track towards strengthening the Wellbeing Framework and the role that it plays in informing government and in getting it to where the long-term vision is for having it?

Mr Barr: There has been some discussion at the Council on Federal Financial Relations because the commonwealth Treasurer is commencing a similar process for Australia. We have discussed the ACT experience and some of the challenges and opportunities that that has presented. The other government in our region that is perhaps the most advanced on this is the New Zealand government. They are several years ahead of where the ACT is, and we are several years ahead of where the Australian government is, on these sorts of projects.

The issues that I have principally raised at the Council on Federal Financial Relations are about timeliness and accuracy of datasets and areas where the ABS currently does not collect data. There are various questions about particular elements of the community that were put up as possible questions in the last national census that were rejected by the previous federal government for ideological reasons—largely, in relation to questions around gender and sexuality, for example—that have struggled to get onto the national census, despite being put forward on a number of occasions and despite being quite important in relation to service provision. Arguably more important than an individual's religion would be some other perhaps more pertinent questions around an individual's service needs.

All of that aside, we continue to work with the Australian government and with other states and territories on improving datasets. We had a discussion the other day in relation to accuracy of data, population data particularly being very relevant for service planning, and very relevant in the flow of funds under the federal financial agreements and the distribution of the GST. There are very relevant points that are being covered as part of the national discussion through Treasurers.

I will invite Ms Croke and Mr Robinson to talk further about their engagement at an official level with counterparts or anything else they would like to add.

Ms Croke: We did a lot of work during the establishment phase working with New Zealand and with Wales. Wales have a similar wellbeing framework. Just this year the ex-commissioner of the Wales Wellbeing Framework visited Australia, and we learnt a lot from her about their approach to wellbeing. We continue to engage with our counterparts internationally.

There is a real strengthening of thinking about wellbeing frameworks in quite a few jurisdictions. We heard recently from colleagues from South Australia and Victoria about how they are looking to think about what are the benefits, and what would be the impact of particular policy measures or program initiatives from a whole-of-life, whole-of-household and whole-of-community point of view.

We have talked before about the wellbeing impact assessments that we use for every budget initiative. We are also starting to do some more work on what further embedding wellbeing would look like in government decision-making. That is work that we will continue to do and provide advice to government on.

MS ORR: Just out of interest, now that the indicators have been in use for a while, and appreciating that they are still being shaped to realise their full potential, what sort of benefits from a policy perspective are you starting to see come through, or even from a budgeting perspective?

Mr Barr: Certainly, a sharper focus when agencies combine to present proposals during the budget rounds. We identify wellbeing priorities at the commencement of the budget process and actively encourage agencies to submit proposals that are cross-portfolio, and indeed across directorate, that would improve wellbeing outcomes in those priority areas. I think that has encouraged greater collaboration across government.

In our Westminster system, with portfolio structures, there is a propensity for siloing of policy thinking, and indeed new proposals to come forward, sponsored by particular areas of government. Having a wellbeing focus, having particular priorities, asking agencies to work together, and effectively incentivising that through the annual allocation of funding for new policy proposals is a real benefit that I have observed over the last few budgets.

A practical example of that is the PACER program that sees cross-specialisation—areas of specialty in different parts of a holistic response to emergency response, mental health response and community policing, through different areas of government working together on an initiative that was targeted to improve wellbeing.

MS ORR: On a slightly different topic, how is hybrid work going for the ACT public service? Do you think it is something that you will continue in the brave new world of the post-COVID work environment?

Mr Barr: I will answer the second part of the question first. Yes, I think it has been something that we would continue. The evidence to date has been very good across the public sector. It has allowed us to attract and retain staff with essential skills in many areas of ACT government service delivery. It has allowed technology to come to the fore in a way that perhaps, absent the pandemic, might have taken another decade to arrive at the level of utilisation that it does. Certainly, it is productivity enhancing in many respects—not every respect but in many.

That is why we are settling on a hybrid model, because there are clearly times when being physically present in the same location is relevant and important, but there are other times when it is not necessary, and you can get a more efficient and better outcome through the hybrid arrangements.

I will ask those who are charged with running the public service to comment more on their different areas of responsibility.

Ms Leigh: Thanks, Chief Minister. In fact, just a week or two ago, the ACT public service was awarded in the ACT Institute of Public Administration Australia awards for our hybrid work approach, which I think is really great recognition of how far ahead we are in offering that opportunity to our staff. And, as the Chief said, it is a great combination of offering flexibility for our staff and improving the efficiency and effectiveness of the public service. It allows people who otherwise might not be able to work full time to work full time, because they can manage their personal commitments and their work commitments. They do not need to be across town at a particular time and in a particular place for a lot of their work. Of course, every work area is different and it will depend on the needs of the work area.

It has freed up many of our staff to be able to focus on their work and be highly efficient at their work, and at the same time they are able to manage personal commitments. I want to harness every great employee. I do not want to arbitrarily lose staff just because they may have some personal commitments. It is still particularly relevant to women. A lot of women end up not being able to work full time because of personal commitments. If we can have the full benefit of those women in our workforce, we will be richer for it.

It has a lot of other benefits, because, if you associate being at a particular workplace at a particular time with what it means to be at work, I think you are focusing on the wrong thing. You need to focus on what the outcome is you are supposed to be producing. If people can work anywhere and we can be flexible with time, we will focus on whether they are delivering the outcome or not. If people can be anywhere, then I think it frees them up to think about who else they might collaborate with, because they do not need to think about their work colleagues as being those who are physically around them. It frees them up to think more readily about the collaboration that I have always emphasised across our service. People can readily work together. Again, that produces better outcomes. Every way you look at it, it is a really positive step for the efficiency of our service and for the quality of our service.

Mr Rutledge: Something that we have done in the last 12 to 18 months, and we will roll it out a bit further, is the introduction of FlexiSpaces across our town centres. It is proving to be a very effective and handy way of getting people who want to work in a workplace environment but do not want to travel across town. They are able to work at either Tuggeranong, Woden, Belconnen or Civic, where we have spaces—meeting rooms, collaboration spaces and free desks—so that people can come in and work close to their town centre. It helps if they have appointments in that area. What we are even seeing is that, rather than the whole team coming together in the Civic office blocks, part of the team might meet in Belconnen or Woden or where it is particularly helpful for that team. That helps local businesses in those areas and saves commuting across the city.

This year, we will open more space in Dickson, at 480 Northbourne Avenue, so there is a hub for the Dickson area. Our next refurb will look at Winyu House. Remember, it was only a decade ago that we opened Winyu House, and that was our first attempt at open-plan offices, and you can see how far the modern workplace has changed in just that decade. As the Chief said, we have made amazing leaps in the last decade. We will refurb a bit of that for people living in Gungahlin or have appointments in Gungahlin and do not want to work from home or want to come in for a face-to-face meeting. There will be a really good environment in Gungahlin to support that town centre. The flexi work and our approach to hybrid work was singled out by the IPAA last week. It was a great achievement for the team, but I think what we are seeing is many parts of the workforce using it right across our city.

MS ORR: Great. Thank you.

MS LEE: When you talk about hybrid work, what does that mean? Are they people who, for example, are working full time at home? What does hybrid mean?

Ms Leigh: Hybrid refers to both time and place. Yes, people may be working part of the time at home, part of the time in one of our flexi offices and part of the time in their home location. People may be, for example, going home to collect their children from school, settling their children down when they come home, and then doing some video meetings online from home, having been in the office earlier in the day. As I said, it is flexible and it refers to all the different ways that we can support our staff to engage as fully as possible as employees in the public service while still responding to their personal commitments.

MS LEE: Are there any public servants who work 100 per cent of the time from home?

Ms Leigh: I could not answer that specifically. There is no reason why that would not be possible if it suited the particular work area. I would want all public servants to still maintain connection with their workplace. It is a responsibility of all managers to be aware of the wellbeing of their staff and maintain those connections. But, of course, it would depend on the particular workplace and the particular circumstances as to how that is managed.

MS LEE: Have you received advice about workers compensation and liability for public servants who are working outside of the normal work environment?

Ms Leigh: That is one of the issues we were very conscious of early on and we have put in place procedures to address that issue. There have always been arrangements to some extent for people to work from home in particular circumstances, so it is more an expansion. We have needed to consider that issue, of course. It extends across to, as I said, wellbeing. That is part of the whole issue when we think about the wellbeing of our staff.

MS LEE: Given the hybrid model also now extends to not just home but anywhere, have you received up-to-date advice about where workers compensation and liability stands, depending on where people are working from?

Ms Leigh: If people are working in our FlexiSpaces, they are at ACT government offices—

MS LEE: I am not talking about that, but, for example, if they spend the weekend looking after their sick parent in Newcastle and they log in, because they are able to work anywhere, and they happen to be injured, would that be covered?

Ms Leigh: People always log in from home at the weekend if that is the nature of their work. I do not think that is a particularly new issue. But, yes, of course, that issue needs to be covered.

MS LEE: It is covered?

Ms Leigh: We have looked at the whole range. Particularly at the beginning of COVID, when we had a dramatic shift, that was one of the issues we immediately looked at. We have been very conscious and focused on that all the way through.

MS LEE: So it is covered?

Ms Leigh: That issue is—

MS LEE: I see Mr Rutledge nodding.

Mr Rutledge: Ms Leigh, regarding the example you used about spending time in Newcastle, we want people to work productively when they are able, and, if they have caring responsibilities, we want them to have the time to undertake their caring responsibilities. They should not feel compelled to try to do those. But the flexibility allows you to juggle that. Right from the beginning, when people were working in a non-workplace environment, the risk factors were psychosocial—the potential for loneliness and wellbeing. That is one area that we have certainly invested heavily in. Then, of course, there is the normal physical set-up of the desk. There are a lot of online tools. Our staff have been well educated over time, whether they are in a workplace, where they have to set up their desk every day, or whether they are at a non-workplace, on posture and all those things.

MS LEE: Sure. I understand that you put in best intentions and you try to make sure that the workplace is safe in all ways, but, say, despite all good intentions, someone is injured, such as in the example that I gave you. Would they be covered?

Mr Rutledge: Yes; they would be covered. We monitor the data very carefully to see what indicators we can see. At the moment, we do not see a great uptick. Be it about working from home or not, our concern—our risk area, if you will—is on the psychosocial aspect. That is where we are putting our effort rather than workplace set-up.

MS LEE: I understand that. Thank you. Chief Minister, I take you to the *ACTPS code of conduct*. On page 4, section 3.1, it says:

- (1) A public servant must—
 - (a) take all reasonable steps to avoid a conflict of interest; and
 - (b) declare or manage a conflict of interest that cannot reasonably be avoided ...

I assume that you are familiar with that section of the code of conduct?

Mr Barr: That is fairly standard for almost any occupation now.

MS LEE: Yes; absolutely. What is your expectation of all members of the ACT public service in adhering to that?

Mr Barr: They are required to adhere to the Public Sector Management Act and rules and regulations that sit beneath that.

MS LEE: In terms of when concerns around whether a public servant may not have necessarily met that, how does that come to you?

Mr Barr: Rarely. It would either be directly raised by way of correspondence or—I do not think it has ever happened physically. I do not think I have ever had anyone

walk into my office and report in that context. I do not think I have actually directly been approached on that kind of matter, mostly because there are about a dozen other avenues with which someone would pursue that question. It is not a regular occurrence for me.

MS LEE: So you do not get a regular report—for example, a yearly report?

Mr Barr: There is annual reporting.

MS LEE: Aside from that, you do not get anything?

Mr Barr: Not that is a routine thing. Were there something relevant—a particular case or circumstance—I do get reporting in that regard, and there is an obligation on ministers. But, because I am not the head of the public service, I am not the manager of the public service and I do not have legal responsibility for employment matters within the public service, I do not get a reporting stream. I do in relation to the executive because I do have responsibilities there.

MS LEE: So you do not get it in a specific way. Ms Leigh, as Head of Service, obviously you would be familiar with this very important provision. What are your expectations of public servants in relation to adhering to those provisions?

Ms Leigh: That they are absolutely complied with.

MS LEE: Can you take me through the process of how it is reported to you and then what action you are required to take?

Ms Leigh: It would depend on the particular case. Of course, directors-general are responsible for the staff in their directorate in the first instance. Normally, they would handle any allegations of conflict of interest. They would probably do a preliminary investigation themselves; they might seek advice from Mr Rutledge about the handling of that. Eventually, it could be referred to the Public Sector Standards Commissioner for further investigation and report.

MS LEE: Given that directors-general usually have carriage of this, and responsibility, in which circumstances would these issues come to you as Head of Service?

Ms Leigh: I always like to be informed of anything that is significant and might indicate a particular issue or a wider concern, a systemic issue that should be addressed. I would like to know about anything that is particularly serious, so that I can take steps to ensure or be assured that it is being properly addressed, and that there is not a broader issue that we need to learn from in terms of the future.

MS LEE: On the flip side, would you expect that you would be notified if there was a failure of any public servant to disclose a conflict of interest?

Ms Leigh: That would really depend on the nature of the particular circumstance. If it was a senior public servant, certainly. If it was a significant failure, certainly. It really would depend on the particular circumstance.

MS LEE: When you say “senior”, at what level do you mean?

Ms Leigh: If it was one of my directors-general, I would certainly expect to know.

MS LEE: Have you had that happen? If so, what was the process and how did you deal with it?

Ms Leigh: No, I do not recall that happening.

MS LEE: Ever?

Ms Leigh: Not to my recollection, no. All of the directors-general do an annual conflict of interest statement for me or a private interest declaration. If they declare any conflicts then they do a separate declaration to explain how they propose to manage those, and I satisfy myself that that is appropriate. It is my expectation that any risk of conflict would be raised with me in advance.

MS LEE: When that is raised with you, and you say that you satisfy yourself, can you talk us through the process in terms of what you go through? What are the factors that you take into consideration? Who do you talk to? How do you come to your decision?

Ms Leigh: Usually, I would get advice from Mr Rutledge, so that there is a second mind turned to it. Usually, it is reasonably straightforward. We have clear options that one would look through to consider what is appropriate for the particular situation. They would go across the range—simply making it known to people, so that if there were any issues, people would understand what the particular direct interest was, withdrawing from being involved in a particular issue or withdrawing more generally from handling something.

It will depend on the particular conflict. It is usually a potential or even perceived: “This might be perceived to be a conflict.” Sometimes it is highly unlikely to ever arise; of course, out of an abundance of caution, people generally will want to declare more rather than less. It goes right through to something that could be very directly applicable to something that is likely to arise. There is a broad spectrum of potential issues and that then informs what the appropriate approach is.

MS LEE: I understand that there is a broad range of issues that might arise, but what are some of the more common issues that come up when people are declaring a conflict?

Ms Leigh: Somebody might declare that a relative is employed somewhere in the public service. In that case they would make clear that they would have nothing to do with their supervision or any applications for promotion et cetera. That is not surprising in Canberra, given the percentage of our population that work in the public service. That is the main one that comes to mind.

MS LEE: I see Mr Rutledge nodding quite a lot. Do you have anything to add?

Mr Rutledge: It could be as simple as a second job. People might have a second job,

and the onus is on the employee to declare perceived, actual or potential. They might have a volunteer job that could be seen to conflict with their role. Certainly, for anything to do with procurement, anything to do with recruitment, they are easy ones where there is a declaration, and it is commonplace. We were talking last week about the Procurement Board. It is formal in the minutes whether or not anyone perceives having a conflict; so it calls for that. There are lots of tools that are in place to be used at the local level.

The onus is on the public servant to make that declaration. The onus is on others, too; if they feel there is a failure of that declaration then the onus is on them to report it. It is a breach of section 9 and, as Ms Leigh said, that would be investigated. A preliminary investigation would take place, and then a formal investigation, if required, to see what, if any, misconduct is found, and any action that would be taken. It is no different to any other form of misconduct. The process is still the same. It is a failure of section 9 or an allegation of a failure of section 9.

MS LEE: You mentioned, Ms Leigh, earlier that one of the most common ones would be a relative and, given Canberra's population, that is pretty common. In that instance, would the standard practice be that someone would recuse themselves, regarding a family member, in relation to decisions about—

Ms Leigh: It would, of course, depend on what the working relationship was. Yes, normally they would declare, so that everyone knows, and so that there can be no perception that there are any hidden motivations in any decisions that are made. They would then remove themselves from any processes that make decisions about that person.

MS LEE: If they did not remove themselves, would you or your directors-general require them to remove themselves?

Ms Leigh: If that came to my attention, I would have a discussion with them. I have never had anybody refuse to take that action.

MS ORR: Mr Rutledge, picking up on the comments you were making about something not being declared or someone feeling that it has not been declared, it is not known, and they have an obligation or a responsibility to report. Is that just for public servants? Let us say you were on a community volunteer group or whatever and you feel there is a conflict of interest. If the employee says, "I haven't declared this," and they are concerned, is there a way for them to report it back to the public service or is it just the public service workforce that has to—

Mr Rutledge: The public service workforce, but we all have connections outside our public service lives. As a public servant, we would expect that if the intersection between our private and public life could see a perceived, actual or potential conflict, the onus is on the public servant to declare that.

MS ORR: At the risk of this being a bit hypothetical, if I had some information about a potential breach—which I do not, just for the record—and I was concerned that it had not been appropriately reported, how would I—

Mr Rutledge: The simplest way is normally to talk to the manager of that person, the supervisor of that person. The declaration is often made to a supervisor; it would then go further up the line as required, so that everyone who needed to know about the potential conflicts would know—

MS ORR: Getting to my point, it is possible, if I have a concern, to raise it and for that to be addressed?

Mr Rutledge: Absolutely.

MR CAIN: You mentioned that if there was a relative employed, it would be inappropriate for a relative to supervise one of their relatives, for example. If this public servant relative was dealing with a member of the community and there was some dispute or claim of poor procedure or abuse, would it be appropriate for the relative of that public servant to have control or to supervise the mediation of that dispute?

Ms Leigh: Mr Cain, that will always depend on the particular circumstances, but—

MR CAIN: Excuse me, Ms Leigh, you said very broadly, without qualification, it would be inappropriate for a public servant to supervise a relative.

Ms Leigh: I do not believe I did say that and, if I did—

MR CAIN: I believe you did.

Ms Leigh: I stand to be corrected. Obviously, I would need to check the record. As a general proposition, I do not think that is advisable, but one would need to look at every possible circumstance. I cannot think through all of the possible circumstances where that might arise. If it did, and it was unavoidable for whatever reason, you would need to put extra safeguards in place.

In general, I think it is preferable to avoid that, and I would always prefer that. But I would not want to rule out that there was somebody with a special skill or something that somehow arose. Of course, if it did, there are many ways that you can manage conflicts.

In terms of your particular question, normally, obviously, that is not desirable. I would not want to answer these hypotheticals in such a way that later there was some specific example that somehow made that appropriate. In general, no, I do not think that is appropriate.

MR CAIN: Let us talk about exceptional circumstances. Say there was a case where a public servant could supervise and attempt to resolve a dispute between a relative and a member of the community. Suppose that was actually happening, and somehow you were happy with that, as a set of circumstances. Do you think it would be appropriate for that public servant to declare to that member of the community that they are a relative of the person that the community member is complaining about?

Ms Leigh: It is very difficult to discuss these abstract examples, Mr Cain. I would

imagine that the person would discuss the situation with their supervisor and they would work through what the particular issues were in this case.

MR CAIN: Do you think that the member of the community is entitled to know that their dispute with the public servant is being supervised by a relative of that public servant?

Ms Leigh: I am very wary, Mr Cain, because it seems you have a particular case in mind that I am not aware of. I simply cannot know what all of the particular details of the case that you seem to have in mind are.

Generally, it is best to avoid conflicts. If they cannot be avoided, they absolutely need to be managed. The normal course would be for a public servant to seek advice from their supervisor and, if necessary, for that supervisor to get further advice to make sure that things are being handled appropriately.

MS LEE: Can I ask about it in a more generic way? We talked about it more generally earlier; but, in any event, where there is a conflict, a real or perceived conflict, or a potential conflict, as you mentioned, the first step would always be to declare?

Ms Leigh: Yes.

MS LEE: Whether or not that next goes on to how you deal with it—

Ms Leigh: Yes.

MS LEE: the first step would always be to declare it?

Ms Leigh: That is right.

MS LEE: Then you determine how you might deal with it. If it is unavoidable then sure, you would look at other options—

Ms Leigh: Yes.

MS LEE: but the first step and the most important step would be that it is declared?

Ms Leigh: Yes.

MR CAIN: Ms Leigh, you would be aware of a matter involving Ms Derise Cubin and her then husband. Her husband was in a situation where a business had lodged a complaint about his management of that business, as Commissioner for Fair Trading. It is very well known to all of us by now, surely, that, in July 2021, Ms Cubin, with the Government Solicitor, acted for the government to attempt to resolve this complaint by this business against her husband, the former Commissioner for Fair Trading, and she did not declare to that business that they were married. Could there be a more striking incidence where that relationship should have been declared to a business that was caught up the middle of a complaint with Ms Cubin's husband?

Ms Leigh: Mr Cain, I believe there may be a different way of characterising the particular nature of that proceeding. But without going further into that, I do not think I am best placed to discuss that. I think that is a matter that the Government Solicitor is better placed to discuss. I would like to say that, in relation to that matter, I did, as you are aware, get asked to consider whether that had been appropriate. I sought legal advice on that. I received that legal advice, and I acted on that legal advice. I replied in writing to that request, and that writing reflected the legal advice that I received.

MS LEE: Do you stand by that advice that you gave?

Ms Leigh: Yes, because it reflected the legal advice that I received, and the legal advice was provided based on the information about that circumstance.

MS LEE: I will rephrase my question. Were you confident with that legal advice that you received?

Ms Leigh: Of course; it came from the Government Solicitor.

MS LEE: It did not occur to you, as Head of Service, in the very clear circumstance that Mr Cain has outlined, that it was not a very clear case where it should be declared?

Ms Leigh: Ms Lee, obviously, I sought that legal advice to be certain of the particular circumstances and what was appropriate. I received that very specific legal advice. I was confident that the Government Solicitor had all of the information. On that basis I acted on the legal advice. I had no reason to doubt the legal advice. As I said, I do not want to go into it, because I am not the legal adviser, but I do think there other ways of characterising the nature of that particular proceeding that are different from the way that Mr Cain has characterised it.

MS LEE: If we take it back one further step, when this potential issue was brought to you, as Head of Service, what made you go and seek legal advice as opposed to making a judgement for yourself as Head of Service?

Ms Leigh: Because it was a serious matter. It was raised with me by a minister. I take my responsibilities in advising ministers very seriously. The circumstances that were in question related to some legal proceedings. I wanted to be certain about the advice I was giving, so I sought that legal advice.

MR CAIN: Ms Leigh, if you were supervising Ms Cubin—I believe Mr Pryce was the supervisor, but let us put yourself there, as Head of Service—would you have been concerned that she was attending to mediate a dispute involving her husband? Would you have been concerned that she had that role?

MS ORR: Chair, I seek your advice on whether this is hypothetical and therefore not allowed.

MS LEE: This is actually not hypothetical.

MR CAIN: It is a real situation.

MS LEE: You have also asked hypotheticals, so let us be consistent.

MS ORR: Yes, but I acknowledged that they could have been ruled out of order.

MS LEE: The chair is ruling, so—

THE CHAIR: Yes. I am happy for you to keep going, Mr Cain.

MR CAIN: Thank you, Chair.

Ms Leigh: My understanding is that Ms Cubin was acting in the role that her husband previously occupied and she attended as the person acting in that role. That was the reason she was there—not in a personal capacity, not in a capacity to defend the actions of another person, but as the person in that role. She attended with the Government Solicitor. As I said, I have the advice in writing of the Government Solicitor that everything that was done was entirely appropriate.

MS LEE: Including not disclosing to the community member that relationship?

Ms Leigh: I am not—

MS LEE: That was appropriate?

Ms Leigh: I am not aware of that, Ms Lee, but she was there in the capacity of a person who was then in the role.

MS LEE: Okay, can I put that question: did Ms Cubin declare to everyone, including the community member, her relationship with the other party?

Ms Leigh: I cannot answer that question, Ms Lee. I am not aware of the answer to that question.

MS LEE: Was that not brought to your attention? That was the nature of the complaint.

Ms Leigh: Not that I recall, Ms Lee. It was not in the issues that were put to me.

MR CAIN: Ms Leigh, that is actually a fact, what Ms Lee has said.

Ms Leigh: I accept—

MR CAIN: The relationship was not—

Ms Leigh: what you are telling me, but it is not something that has been raised with me.

MR CAIN: It was not declared to the community member involved in that dispute. If you had known that, would your advice be different?

Ms Leigh: Mr Cain, my understanding is that if Mr Snowden had still been in that role, he would have been there. She was there in the capacity of being the person in that role.

MS LEE: That may very well be the case, but it is also the case that Ms Cubin had a personal relationship with the other party. Is that not, in your capacity as Head of Service, pertinent information that should be declared as a potential, real or perceived conflict?

Ms Leigh: Ms Lee, as I said, I sought legal advice. GSO were fully aware of all of the circumstances, and they provided legal advice, and I acted on that legal advice.

MS LEE: You are telling the committee here that, as Head of Service, the most senior role in the ACT public service, in that circumstance, you are quite satisfied to say, “Do you know what? I didn’t make any judgement calls on this; I just took it straight to the Government Solicitor’s office and blindly followed it”?

Ms Leigh: That is not how I would characterise it, Ms Lee.

MS LEE: How would you characterise it, Ms Leigh?

Ms Leigh: I would say that I was extremely responsible, as I hope I always am. I took the question very seriously. I referred it for legal advice. I received that advice from the Government Solicitor, the best advice possible, and I acted on that advice.

MS LEE: I ask again: do you stand by the position that you made, the advice that you provided to the minister, that it was all fine?

Ms Leigh: Ms Lee, I stand by the letter I provided to the minister. It was based on legal advice. I am not such a fool as to second-guess the legal advice of the Government Solicitor.

MS LEE: I do not think the question is about the legal advice. I am asking you, as Head of Service: who is going to be the person, as the most senior member of the ACT public service, that other directors-general seek advice from? And you stand by your actions. You did not turn your mind to whether it was a potentially real or perceived conflict and you flicked it straight off to the Government Solicitor’s office. Is that what happened?

Ms Leigh: I do not accept that characterisation.

MS LEE: Then, what is it?

Ms Leigh: I took it very seriously. I received the request for advice. I knew that the Government Solicitor had full information about this matter because they had been directly involved in it. I sought their advice and I received that advice and I acted on that advice. That is what any sensible professional public servant does.

MS LEE: I will ask you straight out now: what is your view in the circumstances that arose? You have somebody who is acting in a role—a very senior role, a very

important role—who did not disclose to one party that there was a personal relationship with the other party.

Ms Leigh: Ms Lee, I am not aware of whether that was the case. I relied on the advice of the Government Solicitor, but the entire matter was handled appropriately—

MS LEE: When did you first find out that the declaration was not made, then?

Ms Leigh: I am just listening that issue now, Ms Lee.

MS LEE: Now?

Ms Leigh: Yes.

MS LEE: This is the first time it has been brought to your attention that that declaration was not made?

Ms Leigh: Yes.

MS LEE: That is what you are telling us?

Ms Leigh: True.

MR CAIN: I will say that it was mentioned during recent hearings—

MS LEE: Yes.

MR CAIN: This very fact was—

Ms Leigh: I am sorry, Mr Cain, I was not present when that was raised and nobody has drawn it to my attention—

MR CAIN: I believe you were.

Ms Leigh: I do not believe so, Mr Cain.

MS LEE: Extraordinary.

MR CAIN: And I do not know how this could be news to you, given you did an investigation into this matter.

MS LEE: That is extraordinary.

Ms Leigh: Mr Cain, I can only tell you what the facts are.

MR CAIN: And yet, earlier in your presentation, in talking about the code of conduct, you said, without qualification—you have subsequently qualified it because of what we are talking about—that it would not be appropriate for a relative to supervise a public servant and that, if there was a public servant involved in a personal relationship with someone, they would take themselves out of any process that

involved the other public servant with whom they were in a relationship. We get to the one of the most extreme circumstances I can think of regarding a perceived conflict of interest, where the wife of a public servant was present with a solicitor to resolve a dispute between that public servant and a member of this community without declaring that relationship. I cannot think of a more egregious breach of conflict of interest than that.

MS ORR: Shall we take that as a comment and move to the next question?

MS LEE: Can I ask a follow-up?

THE CHAIR: Yes. Just one.

MR CAIN: The Chief Minister might have some views on this.

MS LEE: I was actually just going to ask: Chief Minister, are you aware of this issue?

Mr Barr: No.

MS LEE: So this is the first time you are hearing about this?

Mr Barr: I have a vague recollection that this may have come up in a hearing that I was not present in, but this is not an issue that I have any background on—

MS LEE: That you have any familiarity with. I understand. Is it a concern to you that it was not declared?

Mr Barr: Sorry—

MS LEE: Does it concern you, as Chief Minister, that a conflict of interest of that kind was clearly not declared?

Mr Barr: I do not know the circumstances of the matter in the depth that others obviously do. I would need to understand. I have not received any legal advice on it. I am not familiar with the matter, so I cannot comment.

MR CAIN: Chief Minister, if one of your directors-general came to you and said there is another senior public servant who is in conflict with a member of the community—in this case it was a business—

Mr Barr: I do not know the nature of the conflict, Mr Cain—

MR CAIN: and the senior public servant who came to you said, “I am in a close relationship with that other public servant. Should I be involved in resolving that dispute?”

Mr Barr: Sorry—what is the question?

MS LEE: You would find that uncomfortable, wouldn’t you?

MR CAIN: What advice would you give to the public servant who declared that they were, as in this case, married to another public servant who was involved in a dispute with a member of the community, and they said, “Should I play a role in resolving that dispute”? What would you say to the public servant?

Mr Barr: It is a question I have never been asked, but I would advise them to seek some advice from an appropriate entity—

MR CAIN: But they are seeking your advice.

Mr Barr: I am not qualified to give advice on those matters. I am not—

MS LEE: In this instance, they sought advice from the Head of Service, but it clearly has not—

Mr Barr: The Head of Service has outlined the process that she followed of seeking advice from a government solicitor. So that would be where I would go. But this circumstance has never arisen. But, were it to and someone asked my advice on that question, I would say, “I am not qualified to give you legal advice. You should—

MR CAIN: You are a supervisor. You are in charge of your own directorate.

Mr Barr: No; I am not in charge of the directorate, Mr Cain. You do seem to not understand how the public service works.

MR CAIN: I certainly do, Chief Minister. You are the Chief Minister and the head of CMTEDD—

Mr Barr: No; I am not the Head of CMTEDD—

MR CAIN: with directors-general under you. If one of your directors-general went to you and said, “My partner is involved in a dispute with a member of the community; should I get involved with that to attempt to resolve that dispute?” what would you say?

Mr Barr: I would say, “Seek appropriate legal advice.”

MR CAIN: The public sector code of conduct says:

(1) A public servant must—

- (a) take all reasonable steps to avoid a conflict of interest; and
- (b) declare or manage a conflict of interest that cannot reasonably be avoided;

What is the point of that if you cannot give an opinion on such a scenario as I have described? What is the point of this?

MS ORR: Chief Minister, is it your responsibility to administer the public service directorates?

Mr Barr: No, it is not.

MS LEE: Ms Leigh, you mentioned that you sought legal advice.

Ms Leigh: That is correct.

MS LEE: What date did you seek that legal advice?

Ms Leigh: I beg your pardon?

MS LEE: What is the date?

Ms Leigh: Date?

MS LEE: Yes.

Ms Leigh: I am sorry, but I would have to check that.

MS LEE: Okay. Are you taking that on notice?

Ms Leigh: Yes, I am happy to.

MS LEE: And can you please confirm the date that you sought it and the date that you received that legal advice?

Ms Leigh: Of course.

MS LEE: You wrote to the minister, who asked you for this advice in relation to this conflict.

Ms Leigh: That is correct.

MS LEE: Did you tell the minister that you had received legal advice?

Ms Leigh: I cannot recall, Ms Lee. I responded in writing.

MS LEE: You did, and in that letter—when you wrote back to the minister and gave him advice—you said, “I have looked into this matter and am satisfied that the actions of Access Canberra have been appropriate and, in particular, the Commissioner’s attendance at the meeting on 6 July 2021 was appropriate.”

Ms Leigh: Yes.

MS LEE: That is a direct quote.

Ms Leigh: That is also a very direct reflection of the legal advice I received.

MS LEE: I understand, but my question was whether you notified the minister that you had sought and received legal advice.

Ms Leigh: I really just cannot recall. I would not be surprised if I had. But he had sent that to me in writing. I cannot recall whether it was the minister himself or the Chief of Staff who said that a letter would be coming over to me—which, of course, was entirely appropriate and a normal process. I just do not have a clear recollection of that. I would not be surprised if I had said that I would get legal advice, but I simply do not recall whether I did.

MR CAIN: Ms Leigh, now that you are aware that Ms Cubin did not declare that she was married to Mr Snowden, does it give you cause for concern that she had not declared that to the community member?

Ms Leigh: Mr Cain, there are a few questions in my mind that I am unable to resolve right now. But GSO were at that mediation and fully aware of what was and was not declared, and yet they gave me the advice that it was all handled appropriately.

MR CAIN: Did you yourself know that Ms Cubin was married to Mr Snowden?

Ms Leigh: I would have been aware.

MR CAIN: Did the instructing solicitor know that Ms Cubin was married to Mr Snowden?

Ms Leigh: I expect they were aware, but I cannot be certain, Mr Cain.

MR CAIN: When that relationship was not declared at that meeting, does that give you concern and perhaps pause to re-reflect on your earlier advice?

Ms Leigh: As I was commenting earlier, Mr Cain, unusual circumstance is that Ms Cubin was there acting in the very role that her husband had held when this dispute arose, and she was there in that capacity.

MS LEE: I do not think anyone questions that. That is not in question. The question is that there was a failure to declare the relationship. Given that you knew of the relationship, I find it extraordinary that you yourself did not make the decision to make sure that all parties were aware.

MR CAIN: Ms Leigh, I again refer you to your earlier general comments, when Ms Lee was talking about a relative of a public servant, that you would say that relative should not be supervised by a public servant who has that relationship and that they should themselves from any process involving that relative public servant. In this case, we have a spousal relationship—arguably, the closest personal relationship people can have—and yet your advice was that it was appropriate for Ms Cubin to be there. I believe you were informed earlier that she had not declared that spousal relationship, and yet you seem reluctant to change your advice that it was still appropriate for her to be there.

Ms Leigh: Mr Cain, I am not aware what has been declared and not declared. As I said, GSO were fully engaged—

MR CAIN: But you investigated this matter.

Ms Leigh: As I said, GSO were fully engaged and at that mediation and they were satisfied that it was all appropriate. They were in a far better position to know what the requirements are under our legislation and subordinate legislation, because they are the expert legal advisers.

MS LEE: Ms Leigh, given that you personally were aware of the relationship, were you aware of that at that mediation?

Ms Leigh: I really cannot recall, Ms Lee. This matter was brought to my attention as a consumer complaint. There was a suggestion that it was inappropriate for Ms Cubin to have been there. I was aware that GSO had been closely involved all the long. So, obviously, the thing to do was to get their advice on whether the matter was appropriately handled, and I did that.

MS LEE: Was that the first time that you had heard of this issue?

Ms Leigh: I probably had been told about the general issue before then, but I cannot recall how long before then.

MS LEE: Did Ms Cubin notify you directly and let you know about that relationship herself?

Ms Leigh: No; I do not have any direct working relationship with Ms Cubin.

THE CHAIR: We might move on.

MS ORR: I think Mr Braddock has—

THE CHAIR: Thank you; I am the Chair.

MS ORR: Oh, sorry. I know that; I was just making a suggestion that poor Mr Braddock is sitting there—

THE CHAIR: Thank you, Ms Orr. We will go to Mr Braddock.

MR BRADDOCK: The Auditor-General reviews the annual reports of all ACT government agencies and, in particular, they are reporting against the audit recommendations that had been agreed or agreed in principle by the ACT government. In his report, he stated that he had found four issues. One was the lack of specificity in the government responses to the recommendations; two, which was more concerning, was about the reporting by agencies of progress and implementing recommendations; three was a lack of clarity with respect to the status of the recommendations; and four was about inconsistent and unclear reporting in relation to those recommendations. How do you ensure that we have specific, clear, consistent and complete reporting of the progress in implementing agreed recommendations?

Mr Barr: Sorry, Mr Braddock; we lost audio clarity through most of that. Would you mind repeating it?

MR BRADDOCK: Fair enough—it was a long one, too. The Auditor-General reviewed the annual reports of all the ACT government agencies and, in his publicly available report, found four issues. One was the lack of specificity in the government responses to the recommendations; two was non-reporting by agencies of progress; three was the lack of clarity with respect to the status of the recommendations; and four was inconsistent and unclear reporting on the implementation of those recommendations. How do you ensure that the ACT government is actually providing specific, clear, consistent and complete reporting against the annual reports on these matters?

Ms Croke: Mr Braddock, are you talking about audit reports in general and where we report on them in our annual reports, or is there a particular audit?

MR BRADDOCK: In all agencies' annual reports, they are reporting against the audit recommendations that have been agreed?

Ms Croke: I do not have all of that detail. I think we would have to look through his report in more detail and look for those examples, look to where we are reporting against audit recommendations in our annual reports and look to address those matters as we see them. I am not sure if Mr Rutledge has anything to add.

Mr Rutledge: Mr Braddock, as you know, through our annual report directions and through all the directorate annual reports, we report back on progress made against the Auditor-General reports. Those report-backs are done at the directorate level. That goes to executive management committees or the like within those directorates. They are also often scrutinised by the audit committee of that directorate. So there is a level of scrutiny on what is reported.

The comments of the Auditor-General are broad and something for us to look to. I think we do have enough guidance and I think we do have enough measures. But, given that the Auditor-General has raised this report, we will take another look at whether we can make any more specificity around those four issues that the Auditor-General has raised. But I do think that, with the level of scrutiny in place and the quality control on the implementation of audit reports being at the executive level and also the audit level within the directorate, we do have a couple lines of defence there. But, as I said, if the Auditor-General has raised the issue, we will consider those recommendations.

MR BRADDOCK: The annual reports directions only require entities to report on progress during the year. But that means that no information is actually needed to be provided where there is no progress, which I think would be of even more interest to committees. Why don't you make any reports on where no progress has been made?

Mr Rutledge: I think it is implied that you report on anything that is not complete—whether it is progress or limited progress. That is why I say that, with the oversight of both the directorate's Executive Management Committee and the directorate's Audit and Risk Committee, the onus is on the directorate to make those reports. So I think it is a cheeky reading of the directions to get to that outcome.

MR BRADDOCK: It does seem, from the Auditor-General's report, that some

directorates believe that they do not need to report against certain recommendations indicating a lack of progress. So I do not know if it is that cheeky.

Mr Rutledge: I am not sure that is what the Auditor-General meant. There are plenty of recommendations where the report-back is in progress and there is limited progress due to other factors. That is also reported. I think closing out or completing Auditor-General recommendations is quite difficult. It requires specificity in the recommendation, specificity that can be implemented and then, following implementation, agreement by both the Executive Management Committee and the audit committee. That is why you often see a lot of “in progress” recommendations—because the close-out of completeness has a higher value.

MR BRADDOCK: Thank you.

MR CAIN: Ms Leigh, you would be aware that Ms Cubin declared a conflict of interest in November 2021. Are you aware why she made that declaration of a conflict of interest, given she had not made one earlier?

Ms Leigh: I believe that is the point at which allegations were then made against Mr Snowden. Prior to that there had been no allegations. I also take the opportunity to clarify that the meeting that has been referred to was not a mediation and that that perhaps reflects on the difference of view here.

MR CAIN: I believe it has been described as a “without prejudice discussion”.

Ms Leigh: To understand what the claims were. It was not a mediation. I also understand that, if Mr Snowden had still been in that role, he himself would have been there. So it is a little hard to understand if he would not have had a conflict and been there why his wife would.

MR CAIN: The fact that they were both there together is the whole issue, surely.

Ms Leigh: They were not both there together. By circumstance, it happened that Ms Cubin came to act in the role he had held after he retired. If he had not retired and still been there, he himself would have been present for that meeting. The suggestions about any issues were only made later in November, which is the point at which Ms Cubin made her conflict-of-interest statement.

MR CAIN: Thank you for that clarification. But, again, the point is that Ms Cubin did not declare that she was married to the former Fair Trading Commissioner against whom the complaint had been lodged. You mentioned that the declaration of interest was lodged in November. Was the only reason that it was declared because the matter was taking a more public light?

Ms Leigh: I cannot answer your question, Mr Cain.

MR CAIN: I just make reference to the Chief Minister’s statement. I am referring to an email from Mr Pryce to Catherine Matthews and Josh Rynehart on 15 March this year, which says: “Hi Josh. In my catch-up with the head of service this afternoon she asked that we update our question time brief to include points about the referral to her

office from the Attorney-General and talking points for the Chief Minister to respond on this issue if asked.” So, Chief Minister, you were indeed briefed on this matter as was the Head of Service.

Mr Barr: No necessarily.

MR CAIN: Well, that is what Mr Pryce is indicating in this email which I am reading, word for word.

Mr Barr: That does not necessarily mean that I received a question time brief. I do not take question time briefs routinely into question time. There may or may not be something held by the directorate. It is not a matter that I am intimately familiar with. But, even if I were, it is not a matter that I have any legal responsibility for, Mr Cain.

Ms Leigh: Mr Cain, that is a little odd. I accept that is what you have there, but I would have thought that, if a question time brief were being prepared, it would have been for the minister for Access Canberra.

MR CAIN: I just read what it says.

Ms Leigh: I accept what you are reading; I am just saying that sometimes messages can evolve.

THE CHAIR: On behalf of the committee, I thank our witnesses for your attendance today. If you have taken questions on notice—I believe there were one or two—please provide your answers to the committee secretary within five business days of receiving the uncorrected proof *Hansard*. Thank you all. We appreciate your time.

Appearances:

Gentleman, Mr Mick, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services

Chief Minister, Treasury and Economic Development Directorate
Rutledge, Mr Geoffrey, Deputy Director-General, Office of Industrial Relations and Workforce Strategy
Young, Mr Michael, Executive Group Manager, Work Safety Group

WorkSafe ACT

Agius, Ms Jacqueline, Work Health and Safety Commissioner
Grey, Ms Amanda, Deputy Work Health and Safety Commissioner

THE CHAIR: Good afternoon. Welcome, Mr Mick Gentleman, the Minister for Industrial Relations and Workplace Safety, 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. Please confirm that you understand the implications of the statement and that you agree to comply with it.

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

Mr Gentleman: I have read and understand the statement.

Mr Young: I have read and understand the statement.

Ms Agius: I have read and understand the statement.

Ms Grey: I have read and understand the statement.

THE CHAIR: Thank you. There are no opening statements today. I will kick off with my first question. WorkSafe has a number of strategic documents that are due to expire at the end of this year, including the Young Workers Strategy 2021-23, the Sexual Harassment Plan 2021-23, the Work-related Violence and Aggression Plan 2021-23, and the Strategy for Preventing Occupational Lung Diseases 2021-23. The annual report indicates that these will be evaluated in 2023-24. Can you let me know the current status of these evaluations?

Mr Gentleman: Yes, we do go through and renew programs every now and again. I will ask the commissioner to give you an idea of where we are going with those.

Ms Agius: We are currently working on our business plan, to work out when all of those reviews will happen. They will happen towards the beginning of next year, 2024. They will all be consulted on with the Work Health and Safety Council and any of our stakeholders.

THE CHAIR: Have the evaluations been contracted out or is this done in house?

Ms Agius: We do them internally.

THE CHAIR: What is the cost of the evaluation and strategy development work? Is that just part of your—

Ms Agius: It is business as usual for us.

THE CHAIR: Will there be a gap before updated strategies are released?

Ms Grey: No, there will not be a gap because our new strategic plan is due to be released in October 2024 and we have started working on that. We flagged in the annual report that having numerous strategies with different action plans is probably not the most efficient way to go about our work, so we are hoping that all of that strategic work will be covered by the strategic plan; then we can build upon it in each business plan so that it is clear. We provide the business plan to the Work Health and Safety Council and we report quarterly against the business plan so that they can see the progress of all of the work. But there will not be a gap.

THE CHAIR: Are any of these strategies and plans currently in place?

Ms Grey: They are all in place.

Ms Agius: All of them.

THE CHAIR: They are all in place?

Ms Agius: Yes.

THE CHAIR: How long do these take to develop? How long have you been working on it? I think you briefly mentioned the consultation across a few groups. Do they require ministerial sign-off or is this just all in house?

Ms Agius: It is all in house. It is essentially business as usual. We have a strategy team that works on that work. We use data analysis that that team collects. We have inspector intelligence coming out of our sales force system, so we look at what the inspectors are telling us. There is a policy feedback group within the agency, so we have policy work being done. We talk to the inspectors; they comment on suggested actions under the strategies to make sure that they are doable. We look at the work of other jurisdictions. We talk to Safe Work Australia; we make sure that we are not duplicating work that is being done there. We try to use the resources of other jurisdictions so that there is a combined effort across the country.

THE CHAIR: On loose-fill asbestos, page 53 of the annual report notes:

WorkSafe ACT works closely with the Loose Fill Asbestos Coordination Team (formerly the Asbestos Response Taskforce) to ensure compliance under the Dangerous Substances Act 2004 for all properties impacted by loose fill asbestos

(Mr Fluffy) in the ACT.

How does this relationship work and will this change once the coordination team ceases to exist?

Mr Gentleman: I will pass over to Mr Young to give you the details.

Mr Young: That is probably more of an operational compliance question, so I suggest that Ms Agius starts with that one, although I would be happy to elaborate around the arrangements put in place to support victims by way of financial payments. I think the question goes to the demolition programs.

Ms Agius: In relation to the demolition programs, our inspectors go out and inspect what is happening as a property is being demolished, and ensure that everything is happening according to the regulations. They conduct the regulatory side of that. If there is any issue with the way that the property is being demolished, works will stop and they will continue again once those matters are resolved.

I have been out to one of those demolitions and they are absolutely amazing. There is a massive, big, balloon-type tarp that is filled with air, and that is put around the property; then the demolition happens so that nothing can come out. In some of those demolitions, where neighbours have been concerned, we have had testing for noise to make sure that the noise levels are not going above the accepted standards. They are run really well.

THE CHAIR: What happens when the coordination team ceases to exist? How does this continue?

Ms Agius: At the moment we constantly meet with them about when they have demolitions. In relation to when it ceases to exist, that is a matter for Michael.

Mr Young: Essentially, the existing workplace health and safety legislation, as it applies to asbestos, would apply, and it would be enforced by WorkSafe. In that respect the ACT already has probably the most progressive asbestos safety legislation in the country.

Ms Agius: EPSDD will continue to advise us when those demolitions are happening, and we will continue to go out and assess those matters.

THE CHAIR: The annual report also notes that WorkSafe completed over 120 monthly compliance inspections on the remaining Mr Fluffy properties, which you were talking about, where residents still reside. How many residents are currently subject to this intensity of monitoring and what do the inspections involve?

Ms Agius: We would have to take the number on notice. It involves an inspector going out to the household and ensuring that they are compliant with all of the things that the regulation requires now. The regulation requires things like having an asbestos contamination report; they need to be displayed at the entrance to a property and they need to be displayed in a glass casing. It is a pretty quick inspection just to make sure that all of those things are in place.

THE CHAIR: There must be a cost to the government for the inspectors to go out. Do you work out what that is, and is there a compliance cost for residents?

Ms Agius: No.

THE CHAIR: Do you know the cost or is it just a part of—

Ms Agius: It is a part of our business as usual.

Mr Gentleman: Business as usual, yes. Each property, of course, has to have an asbestos management plan for the property. They have to provide a copy of that to WorkSafe ACT. They have to give a copy of the plan to any worker that attends the premises. It is pretty well regulated.

THE CHAIR: Is there a cost to having to regularly update the contamination reports?

Ms Agius: Yes. Ms Grey has just advised me that there is a cost to updating the contamination report and the plan. I do not know what that is. That is a cost to the resident.

THE CHAIR: Would you be able to take that on notice?

Ms Agius: Yes.

THE CHAIR: Thank you. My last question on this is: is this monitoring process expected to go on indefinitely?

Mr Gentleman: Until the house is demolished.

THE CHAIR: The work health and safety managing psychosocial hazards at work code of practice commences later this month, on the 27th. This is a very important area, obviously. There are no arguments about the importance of the introduction. Employers have been in contact with officers about the clarification of where the employee obligations start and finish. The question is: will this new code open up employers to blame, as they are the only responsible entity to blame who would hold appropriate insurance?

Mr Gentleman: PCBUs or employers are responsible for work health and safety in their workplace, and making sure that each employee can come home safe at the end of the day. The short answer is that, yes, they will be responsible.

THE CHAIR: Yes; hence my hesitation to ask the question.

Mr Gentleman: Mr Young can—

Ms Agius: As long as the hazard is linked to the workplace. If a physical injury is linked to the workplace, the employer is responsible, so if it is a psychological injury and there is a link to the workplace, the employer will be responsible.

MS ORR: It is not just a case of there being a psychosocial injury; it has to actually be linked to the workplace and the employment, in the same way a physical injury would be—

Ms Agius: Yes, Ms Orr.

Mr Young: The instrument in question there is a code of practice. That is a piece of subordinate legislation that cannot establish any new duties or obligations that did not exist; rather, it is a document that helps obligation bearers to understand how best to execute their obligations. In terms of who might be liable or who holds responsibility, those obligation bearers are pre-existing; they are defined in the act and regulations. The code will not expand that.

MS ORR: It is clarifying existing obligations, so that everyone has a greater understanding of what they are currently already obligated to do?

Mr Young: Exactly, and it is intended to increase the standards of psychological-psychosocial safety in the workplace. It is more by way of guidance, with evidentiary status. As we say, it cannot expand on the obligations that are set out in the regulations or the act.

MS ORR: Mr Young, with steps like these—maybe this is for the commissioner, too, or the minister—are we seeing, with this greater clarity, an emerging area of understanding of workplace safety on which we perhaps have not had a focus because it has been on physical, not psychological, hazards? It is really catch-up work, essentially, that is going on?

Mr Gentleman: We do go through programs of awareness regarding employers' responsibility with regard to safety in the workplace in different tranches, if you like. This is a part of that, in making people aware that they are responsible in this particular situation. We will go through and generate those sorts of awareness campaigns at different times with WorkSafe.

Ms Agius: The important thing to note here is that the injury must be linked to a workplace hazard. In the instance of a psychosocial hazard, it is related to the way a workplace is designed and set up that may cause a psychosocial hazard, and that in turn may lead to a psychological injury. The important thing to note is that all of this is a health and safety hazard that is created in the workplace that may lead to that.

THE CHAIR: There are no more questions. Is there anything that you would like to add?

Mr Gentleman: I thank the committee; I thank the staff for their assistance during these hearings as well.

THE CHAIR: On behalf of the committee, I thank all of the witnesses who have attended for all of the work that you have put in to getting us to this point. There were a couple of questions taken on notice. Please provide your answers to the committee secretary within five business days of receiving the uncorrected proof *Hansard*. The hearing is adjourned.

The committee adjourned at 4.20 pm.