



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**STANDING COMMITTEE ON PUBLIC ACCOUNTS**

(Reference: [Inquiry into Auditor-General Report: 3/2021 –  
Court transport unit vehicle – Romeo 5](#))

**Members:**

**MRS E KIKKERT (Chair)  
MR M PETERSSON (Deputy Chair)  
MR A BRADDOCK**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**WEDNESDAY, 11 AUGUST 2021**

**Secretary to the committee:  
Mr S Thompson (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 9.11 am.**

**HARRIS, MR MICHAEL**, Auditor-General, ACT Audit Office

**PLUMMER, MS KELLIE**, Director, Performance Audit, ACT Audit Office

**STANTON, MR BRETT**, Assistant Auditor-General, Performance Audit, ACT Audit Office

**COMMISSO, MS TAYLAH**, Executive Officer, Professional Services, ACT Audit Office

**THE ACTING CHAIR** (Mr Pettersson): Welcome to the public hearing of the Standing Committee on Public Accounts into Auditor-General Report No 3 2021, *Court transport unit vehicle – Romeo 5*. Firstly, I wish to acknowledge the traditional custodians of the land we are meeting on, the Ngunnawal people. We should acknowledge and respect their continuing culture and the contribution that they make to the life of the city and this region. I would also like to acknowledge and welcome other Aboriginal and Torres Strait Islander peoples who may be attending today's event.

In the proceedings today, we will hear evidence from the ACT Auditor-General and officials and the Minister for Corrections. Please be aware that the proceedings today are being recorded and transcribed by Hansard and will be published. The proceedings are also being broadcast and web streamed live. When taking a question on notice, it would be useful if witnesses used the words, "I will take that as a question taken on notice." This will help the committee confirm the questions.

Can I confirm that each of you have read the pink privilege statement in front of you?

**Ms Plummer:** Yes, I can confirm I have read the privilege statement.

**Mr Harris:** Yes, I have read the privilege statement and I understand it.

**Mr Stanton:** I have read the statement and I understand it.

**Ms Commisso:** I have read the statement and I understand it.

**ACTING CHAIR:** Wonderful. As you have no opening statement, I will open up for questions. We will make our way down. I was wondering if you could explain to the committee the procurement process that was followed and how that differed to the procurement process that should have been followed.

**Mr Harris:** Well, I am not sure there was any procurement process followed. In fact, the conclusion from the audit is that this was a seriously flawed process. It presumed a predetermined outcome and, at every step along the way, basically ignored procurement advice or procurement policy. The result was a vehicle that was not fit for use and that had serious design flaws. There were also serious issues in relation to the form and nature of the contract entered into by Corrective Services, effectively leaving that process to the vehicle leasing company rather than entering into a direct contract themselves with the supplier of the vehicle.

That is essentially the conclusion that the audit came to, and the recommendations

reflect that conclusion because they go to questions around the procurement framework policies, procedures, practices and recommendations that require Corrective Services to review their roles and responsibilities for a procurement, and clearly identify and document those roles and responsibilities; and consider value for money and risk assessments, which patently were not considered during this process.

**ACTING CHAIR:** At what levels of decision-making was the procurement of Romeo 5 undertaken?

**Mr Harris:** It is difficult to provide a definitive answer as to levels of responsibility. I might ask Kellie to go to the detail of those levels of responsibility. The only comment I would make is that there appears to have been many steps in this process where corrective action may have been put in place but none of those opportunities were taken at any level within the process. That would be the observation that I would make.

**Ms Plummer:** The interesting thing here is that in 2015, the directorate, Corrective Services, identified some sort of need to replace their Mercedes Sprinter, which was coming to the end of its lease life, which, I guess, was the trigger for the conduct of this procurement. To echo what Michael said, what we found early on was that there was no initial business case, there was no procurement plan and there was no procurement risk assessment. In terms of levels of delegations, it is difficult to come to that conclusion because the directorate prepared two draft executive briefs in 2015—a first one and a subsequent one—and what we do know is that they were not finalised or approved. So it is difficult to conclusively say what level of delegation approved this procurement at the outset.

**MR BRADDOCK:** I think I will build on that question. I note your recommendations are about improving the framework. Is it your assertion that the framework is at fault, or people are at fault for this situation?

**Mr Harris:** No. There is nothing wrong with the framework. The policies in the framework that the Procurement Board and Procurement ACT have in place are entirely fit for purpose if they are followed. The issue here is that they were not followed.

**MR BRADDOCK:** Recommendation 1 says that it should review the procurement framework, including policies, procedures and practices—

**Mr Harris:** “Its procurement framework,” not “ACT Procurements policy framework”. We are talking about the Corrective Services framework.

**MR BRADDOCK:** Sorry. I will re-ask the question about Corrective Services framework policies. Are they still fit for purpose?

**Mr Harris:** If they are, they are not being followed. If they have in place policies that are reflective of the procurement board’s policies, then the answer would be: yes. But I am not entirely sure that they do.

**Ms Plummer:** I do not think there were any. From what we observed, there were no

stand-alone Corrective Services procurement policies and procedures. Their assessment is that they would follow Procurement ACT's policy guidance to conduct a procurement. But what we found here was that, essentially, not much of that guidance was followed to start up and progress this procurement.

**MR BRADDOCK:** So we are seeing a range of individuals who, for whatever reasons, did not follow the procurement policies.

**Mr Harris:** Yes.

**MR BRADDOCK:** Is it indicative of a culture within Corrective Services of not following procurement?

**Mr Harris:** We did not go into culture in terms of questions that the audit asked. Our investigation was around policies, procedures and frameworks—those sorts of things. We do quite clearly say in the audit that, in our view, there was a predetermined outcome that was being sought here. Now, you can seek a predetermined outcome for a variety of reasons, but it was clear to us that there was a predetermined outcome that was being sought.

**Ms Plummer:** I think that stemmed from Corrective Services officers attending a supplier in Sydney, whereby they looked at these particular vehicles and thought that a vehicle such as those vehicles could be used within this jurisdiction. I think that idea then gave rise to the conduct of the procurement, rather than going through a proper process whereby you would seek quotes and go through a tender assessment of a sort.

**Mr Stanton:** It was apparent at the time, in early 2015, in those executive briefs, that what was talked about and what was flagged in those executive briefs was the risks associated with the existing vehicle—the four-seater Sprinter van—and the imperative and the very quick need to procure a replacement vehicle: a particular court transport vehicle. That permeated those earlier briefs and that earlier documentation. It is quite clear that that was the imperative that was driving procurement at the time. In hindsight, we know that that vehicle remained in the fleet for quite a considerable time after that, but, certainly, that is what was cited as a need to urgently act in relation to this vehicle, which was old and coming to the end of its life—

**Mr Harris:** Allegedly.

**Mr Stanton:** —and an option for an eight-seater vehicle that would fit that purpose.

**MR BRADDOCK:** To paraphrase, and make sure I understand you correctly, there were still a number of decision points which they went through where they could have stopped and evaluated but they decided to keep on going with that imperative.

**Mr Harris:** Indeed, there were red flags through the process, including different construction providers—construction companies—one of whom effectively refused to build the vehicle because, in their view, it would not be registrable. Had a proper procurement process been followed in the first place, with the tender evaluation plan and the risk assessment process that is attached to all of that, at the very beginning, then that would have thrown up, had it been appropriately followed, the risks

associated with weight and with attaching a separately constructed frame onto a chassis of a vehicle. All of those things would have been thrown up.

It is fairly clear that one of the reasons that this configuration was followed was in order to ensure that it could be driven by people with just a general licence, rather than having to have a heavy vehicle licence to drive the vehicle. That probably inevitably would have been the case, had the proper chassis been provided for the module that was being anticipated to be carried around. It is a heavy module designed for eight people, with a lot of weight attached to it; and, as the report says, the inspections around the safety of that vehicle on the road actually put weight restrictions on it so that it could never be driven on the road with its full complement of prisoners and corrective officers.

**MR BRADDOCK:** Thank you.

**ACTING CHAIR:** In the report, you state that Work Safe ACT issued a prohibition notice on the vehicle in November of 2019.

**Mr Harris:** Yes.

**ACTING CHAIR:** Is that the case?

**Mr Harris:** No, that is not the case. I do need to correct the record in that respect, and in that regard I have a supplementary report that will be tabled shortly. That will detail the issues around that assertion. We were told on multiple occasions by ACT Work Safe staff that they had issued a prohibition notice. Indeed, the same assertion was made to the inspector of prisons prior to a report that he issued, which briefly touched on this matter. It turns out that that is not the case. That was brought to my attention after the audit was tabled. An extensive investigation of our records has uncovered one email trail which does correct that assertion which we, unfortunately, overlooked in our processes. My supplementary report will detail the circumstances around that error and the corrective action that we have put in place within the office to ensure that it does not happen again. For the public record, such a notice was not issued.

**ACTING CHAIR:** When is that explanatory report going to go public?

**Mr Stanton:** We expect it to be tabled in the Assembly as per the usual processes. We have issued it to key stakeholders for a mandatory draft reporting period under our legislation. That is coming up in a couple of days time, as I recall, and we hope to be in a position to table it shortly after that—in a matter of a week or two weeks.

**ACTING CHAIR:** Forgive me as I try to recite this, but my understanding is that when you are compiling your report, and before it is published, you circulate it to effective stakeholders relevant to those portions?

**Mr Harris:** Correct.

**ACTING CHAIR:** Was that identified at that time, but then was missed?

**Mr Harris:** No. The report, as you see it, was circulated through the consultation

process that is required under the act, and none of the people to whom it was circulated came back and made any comment in relation to the prohibition notice. One of the flaws in that process is that the report was not circulated to the Work Safe Commissioner for comment because the Work Safe Commissioner was not part of the audit process.

We had no criteria that related to the Work Safe Commission—and it was the Work Safe Commissioner who brought it to my attention, if my memory serves me correctly. A search of their records indicated that no such notice had been issued. It was then that we went back and eventually found an email—quite early in the piece, actually—but none of the people to whom we circulated the report raised any issue in relation to a prohibition notice.

I would add that what seems to have occurred is that the Work Safe officers had indicated to Corrective Services that such a notice would be issued. Corrective Services then, of their own volition, took action as though such a notice had been issued, and put in place operating procedures to deal with the circumstances that the notice would have covered. So, for all intents and purposes, the outcome of the issuing of a notice, had it been issued, was put in place. It then seems, as a consequence, that the notice was not issued. However, I make the point that two Work Safe inspectors who were part of that process asserted to us on multiple occasions that a notice had been issued. However, the mistake is ours, and I admit that mistake.

**ACTING CHAIR:** So the Work Safe inspectors asserted that they thought a prohibition notice had been issued. What was it that actually had been issued or conveyed?

**Mr Stanton:** It is apparent that in November 2019 there were discussions between Work Safe ACT and ACT Corrective Services in relation to this particular vehicle and possibly broader issues around court transport. So there were discussions. There was an ongoing, sort of, process there between the parties. A written prohibition notice was not actually issued. However, as the report outlines in chapter 1, the ACT Corrective Services Commissioner issued the standard operating procedure which quite clearly stated how the vehicle was to be used, and that was an outcome of those discussions with Work Safe ACT in November 2019.

**ACTING CHAIR:** So it was most likely just some verbal guidance or instruction from a Work Safe inspector—some advice.

**Mr Harris:** It may even have gone as far as a draft; but, certainly, there is no formal notice on the commission's website or register.

**MR BRADDOCK:** I would like to come back to the people who were undertaking the procurement. Apart from the fact that they did not follow process and procedure, were they competent, were they trained, skilled or experienced in that procurement?

**Mr Harris:** No.

**MR BRADDOCK:** They had no training whatsoever?



**Mr Harris:** Inadequate training.

**Mr Stanton:** We did not formally assess the qualifications. We did not specifically and explicitly, as part of the audit, look at the qualifications, the experience, the training that those people received, if anything. So we cannot comment on the individuals' specific competencies. However, as clearly outlined in the report—

**MR BRADDOCK:** They were not demonstrated.

**Mr Stanton:** —through multiple processes and activities, failures occurred.

**Ms Plummer:** However, the interesting thing is that the main officer within Corrective Services who was leading the procurement, his title was “contracts and procurement officer”. So you would expect with that title, that that person has some expertise or background in procurement and contracts.

**THE CHAIR:** Yes, that is true.

**Mr Harris:** But if it was true, it was not demonstrated.

**Ms Plummer:** Correct.

**THE CHAIR:** Did you have any consultation with him, any interview process with him?

**Mr Stanton:** What we did for the purpose of the audit was to engage with ACT Corrective Services. So we spoke to representatives of ACT Corrective Services, as per the usual process. What was really interesting out of this particular audit was that many of the people involved in the process from 2015 through to 2017 or so—and the process did go back to 2015 and, arguably, earlier—had moved on from the organisation.

The first port of call in any audit, of course, is the documentary evidence. So we gathered and obtained what documentary evidence there was. Then we spoke to people within ACT Corrective Services—as many people as we could who could shed light on this and inform us as to what happened. However, it is very apparent that there were key people associated with the process who were no longer with ACT Corrective Services. In chapter 2 of the report particularly, we talk about processes and we talk about what happened and what did not happen according to the documentary evidence. We make commentary in the report, for example at paragraph 2.78:

There is little evidence of what communication took place with the Byron Group following the issuing of the purchase orders in December 2015.

That is permeated throughout a number of paragraphs in the report. So the documentary evidence that was there—that was available—was scant in many respects, and a further complicating factor was that many people had moved on from the organisation and could not shed light as to what happened.

**THE CHAIR:** Yes, fair enough. I was just wondering, from your experience and from doing all of this research, what do you think should be the future of Romeo 5?

**Mr Harris:** Scrap metal or second-hand market—either would be a good outcome.

**THE CHAIR:** Yes. Can you explain why, Mr Harris?

**Mr Harris:** The report itself says:

As a result of the procurement failures, the vehicle that was eventually commissioned is not fit for purpose and is now largely redundant.

It is not fit for purpose and it is redundant. There has been a whole bunch of money wasted in this regard. If it is not fit for purpose and it is redundant, then they need to acquire a vehicle that is fit for purpose.

**THE CHAIR:** Yes, okay.

**Ms Plummer:** Perhaps early termination of the lease could also be considered. When I spoke to an SG Fleet staff member, I do recall them mentioning that termination of the lease prior to its expiry date could be an option if the directorate wanted to pursue that.

**THE CHAIR:** Yes.

**Ms Plummer:** It seems much better value to do that than leave the vehicle sitting redundant and not being used for the duration of its lease.

**THE CHAIR:** Yes, okay. Apparently, they are using it, just with fewer people or fewer inmates.

**Ms Plummer:** Yes.

**THE CHAIR:** Okay. Great, thank you.

**MR PETTERSSON:** Does that make it redundant, if you can still use it for four people?

**Mr Harris:** Well, it is not fit for purpose. The purpose for which it was acquired was to carry—

**THE CHAIR:** Eight.

**Mr Harris:** —six prisoners and two corrective officers: eight people. It can only carry four. And it is cumbersome; it is hard to drive.

**Mr Stanton:** Our conclusion that it was largely redundant was also informed by its use at the time. We did the audit in the latter half of 2020. In chapter 3 of the audit, we talked about how the vehicle had been used on up to a maximum of 71 occasions over the period of time that it had been commissioned, for trips to and from the ACT law

courts.

It was apparent to us—and we outline it somewhere in chapter 3—that at the time of the audit, when we went out there and had a look at it in September 2020 or around October 2020, it was just sitting out there at the AMC. Its battery was flat. It was not being used. That is how we came to form that view that it certainly was not fit for purpose and was largely redundant.

**Mr Harris:** Our understanding also is that it spends more time off the road for repairs and maintenance than it spends on the road. So, again, if you wanted to be absolutely clinical about it, you could do a cost-benefit analysis on the useability of the vehicle as opposed to terminating the lease and doing another one; but, at the end of the day, the evidence is fairly strong, as we conclude, that the vehicle is not fit for purpose and is redundant. Terminate the lease and move on.

**Ms Plummer:** I think that even operating it with four people, the feedback we got is that the corrections officers simply do not like driving the vehicle. They do not feel comfortable driving it. They feel it is cumbersome. There have been a few near misses. That was the information that we were told from corrective officers. So, from that perspective, you also have staff members who do not feel confident in driving the vehicle, even if it can be driven with four detainees.

**Mr Harris:** There has to be a health and safety issue attached to this as well. If, as Kellie says, there are questions—and there are—about the useability of the vehicle and the ability to drive it safely, and to carry human beings safely in this vehicle, then you have to question some of the health and safety aspects of it as well. It is not just the cost factors here; we have to remember that there are people being moved around in this vehicle and there has to be some account taken of the health and safety responsibilities in relation to moving people from one place to another safely and humanely.

**Mr Stanton:** I would just like to reiterate that, at the time of the audit—we did the audit fieldwork in around September/October 2020—the information we had was that it had not been used to transport detainees since March 2020.

**THE CHAIR:** Sorry? You did it in December and they had not been using it since March?

**Mr Stanton:** That is right. Well, we did the audit fieldwork over a period of time in September and October 2020.

**THE CHAIR:** Yes.

**Mr Stanton:** It had not been used to transport detainees since March 2020. When we had a look at it, the battery was flat. That is partially what caused us to have that view that it was largely redundant. If they have since been using it a little more frequently than they were when we came and did the audit, then that is a different set of circumstances that might be in play now.

**THE CHAIR:** Yes. Maybe you guys highlighted the fact that it needs to be used. All

right, thank you.

**MR PETTERSSON:** Going back to the procurement process itself, there was no risk assessment done. Is that a particularly pertinent oversight, considering that we are talking about a transport vehicle for Corrections?

**Mr Harris:** Yes, in my view. A proper tender evaluation process will require a risk assessment, and this is an inherently risky environment. I think a risk assessment would be one of the first things that would be done in such a circumstance. You have a procurement process that is requiring you to buy, effectively, a heavy vehicle. It is not an off-the-shelf heavy vehicle; it is a composite vehicle that involves a standard production chassis with a custom-built module to be attached to that chassis. So, just there, are a whole set of risks that would need to be assessed. Attached to that are the risks associated with registration of the vehicle, with driving of the vehicle, with storing of the vehicle—all of those sorts of things. There were a dozen red flags there that, even if a risk assessment was not formally required, sensible practice would suggest to you it would not be a bad thing to do.

**Ms Plummer:** They are actually required to do it. At paragraph 2.16 of the report there is a Procurement Circular 24: Risk Management, which is consistent with the Government Procurement Act. That states, among other things, that a territory entity “must in the procurement of goods, services or works: identify, analyse and evaluate any likely risks; and implement sound risk management strategies to mitigate them”. So, given the dollar value and the complexity of this procurement—they were going to procure something that they had not done before, an eight-seater—you would expect that a risk assessment would have been done.

**MR PETTERSSON:** Thank you.

**MR BRADDOCK:** I have lots more questions, but none for the Auditor-General.

**THE CHAIR:** All right. Thank you, Mr Harris.

**Mr Harris:** Pleasure.

**THE CHAIR:** Thank you, Ms Plummer. Thank you, Brett.

**Mr Stanton:** Thank you.

**THE CHAIR:** We will now take a short break before we hear from the next group of witnesses. Please note that if witnesses have taken any questions on notice today, could you please get those answers to the committee support office or committee secretary within five working days of the receipt of the uncorrected proof.

**Hearing suspended from 9.39 to 10.03 am.**

**GENTLEMAN, MR MICK**, Manager of Government Business; Minister for Corrections; Minister for Industrial Relations and Workplace Safety; Minister for Planning and Land Management; Minister for Police and Emergency Services

**GLENN, MR RICHARD**, Director-General, Justice and Community Safety Directorate

**JOHNSON, MR RAY**, Commissioner, ACT Corrective Services, Justice and Community Safety Directorate

**THE CHAIR:** We will now hear from the Minister and officials. Could I confirm that you have read the privilege statement on the pink card in front of you and that you understand the privilege implications of the statement?

**Mr Gentleman:** Yes; we have, thank you, Chair.

**THE CHAIR:** Okay, thank you. Minister, would you like to say a few words?

**Mr Gentleman:** Yes, thanks for the opportunity. I might just make a couple of comments. I welcome the Auditor-General's Performance Audit Report into the Court Transport Unit Vehicle—Romeo 5 and into the procurement of the Corrective Services court transport unit, Romeo 5. Of course, the objective of the performance audit was to provide independent opinion to the Legislative Assembly on the effectiveness of ACT Correctional Services' procurement process for the Romeo 5 vehicle. The report makes 23 findings and two recommendations, which the ACT government takes, of course, very seriously.

While work has begun on many of the issues highlighted in the report, it is essential to reassure that the independent oversight identifies and confirms issues that need to be addressed. I do acknowledge the concerns outlined in the report and recognise the significant amount of work that has been done to date by Correctional Services to improve procurement processes. Implementing the recommendations will contribute to the continuous improvement of the procurement processes and vehicles acquisition across ACT Correctional Services.

**THE CHAIR:** Thank you, Minister. It is refreshing to hear that the procurement process has been improving. I will shoot off with a few questions, straight off the bat. What do you think the future of Romeo 5 is, Minister?

**Mr Gentleman:** We are going through that process now, to understand whether or not it is worthwhile holding onto. I understand that there has been a little bit of use to date, but I might hand over to Ray Johnson, who is our Commissioner for ACT Corrective Services to discuss that.

**Mr Johnson:** We committed to undertaking a review of Romeo 5, and that process is well advanced. We are considering what will be our statement of requirements for new replacement vehicles, which we will have to do anyway because we have a number of specialist vehicles in the fleet which we will, at various points, need to replace. The options to be able to replace it through that process is work that is ongoing. We have not gone to market yet, but we are working through the statement of requirements process and liaising with our colleagues interstate to see what their requirements are, and so forth, to help us on that pathway.

It is clearly not fit for the original purpose of taking the eight detainees that it was designed for, plus the two corrections officers and, as you know, it is now down to, at best, a smaller cohort of prisoners. At best, it is something, I suspect, that we would look at turning over. It is just a matter of working out exactly when we do that. So that process of review is underway.

**THE CHAIR:** Is the review covering an early termination of the current lease?

**Mr Johnson:** Yes.

**THE CHAIR:** Is it a possibility to terminate the lease before its expiry date on—what year is it?—2026?

**Mr Johnson:** Yes, it is. There is obviously a cost associated with terminating the lease, but it is possible to do it, certainly.

**THE CHAIR:** What is the cost?

**Mr Johnson:** I would have to double-check.

**Mr Gentleman:** That is part of the work, I think, that we are going through at the moment, to understand what the cost would be.

**Mr Johnson:** It will depend on at what point, and how much, we have paid back to the SG Fleet and so forth, so it would shift around a little bit. That is the work we have to settle on—how much it would actually cost us to get out of the lease. There would be a cost associated with it, clearly.

**THE CHAIR:** Yes. Could you please take it on notice. When you find out the exact cost for terminating the lease, could you please let the committee know.

**Mr Johnson:** Yes.

**MR PETTERSSON:** Have there been any changes to government procurement since the audit?

**Mr Gentleman:** There have certainly been some changes, I think, across ACT government since the original procurement. Since the audits occurred, of course, we have had a look at what we might need to do in Corrective Services. Of course, the commissioner brings quite a bit of experience with him from his previous work as the CPO for the ACT, and also with ESA and the way that ESA has been procuring specialised vehicles in particular. So we will certainly take that expertise on board as we go forward.

**Mr Johnson:** In terms of the Corrective Services process, it is a bit hard for me to know exactly what existed at the time of this procurement. This is perhaps one for the Director-General to speak to particularly, but JACS has a solid procurement framework and we have adopted that as our standard. For any procurement over \$200,000 we automatically engage with Procurements ACT, now. That will be the

case in this process, and we have already started to talk to them about the statement of requirements for our next generation of vehicles. So that is the process that we have undertaken more recently.

**Mr Glenn:** Mr Pettersson, if I might add, at a whole directorate level we have established a new procurement contract management and assurance framework which draws from the whole-of-government Procurement ACT framework. It picks up on some of the changes in procurements since the time of Romeo 5—things like the charter of procurement values, secure local jobs and other initiatives that have been put in place. We have had a process of review of our whole-of-directorate procurement framework from about mid-2019. Earlier this year I approved the framework that we are now applying. That sets an overarching framework for the directorate, into which business units can tap and provide, if they need, more specific guidance to their staff around procurements that are particular to their business needs. That is the work that Commissioner Johnson is mentioning.

The relationship, now, for high value procurements and our delivery partners—be it Procurement ACT for the procurement of goods, or Major Projects Canberra if they are infrastructure procurements—is very strong. So what we expect of all of those high value procurements is that we are doing them in lock step with our delivery partners, and that we are actually able to draw on their expertise as we go through the procurement process. That is a significant distinction between how we manage our procurements now and what has occurred in the past.

**MR PETTERSSON:** Wonderful.

**THE CHAIR:** Can I just do a follow-up question, Mr Pettersson, thank you. Commissioner Johnson, you mentioned the next generation of vehicles and you said that if the procurement is over \$200,000, it will go to Procurement ACT. Are you suggesting that the next generation of vehicles will be over \$200,000?

**Mr Johnson:** We cannot be sure, necessarily, unless we work it out and go to market to understand what the market might require. I know that the detainee pods that we use, particularly as you start using composite materials, get more expensive. So I would hope it does not go over \$200,000 but one has to be prepared. I would say that even if it did not, we would use Procurement ACT in this case. Noting the type of procurement that it is, we would use them as a basis for doing it, even if it was, say, \$150,000 or \$100,000. The pod seems to be the more expensive part of the picture, more often, than the actual vehicle.

**THE CHAIR:** Yes. How many vehicles are you looking at getting in the future, for the next generation?

**Mr Johnson:** We have four specialist vehicles at the moment. Now we are exploring whether that is the right number or whether we need more than that. I think that is part of us understanding what our requirements are. At some point in the future, all of those vehicles will need replacing. The ones that are coming up in the next two or three years, if we go with the statement of requirements and we go to market and find out the vehicle that suits all the purposes—safety, security, fit for purpose, best practice—then we might use that statement of requirements for the next couple of

cycles of vehicles.

**THE CHAIR:** Okay. Currently, there is one transport unit that is not being used, is that correct—the Romeo 3?

**Mr Johnson:** No, as I understand it, they are all being used—in service.

**THE CHAIR:** Okay. When we did the tour for the Romeo 5, I was told that one of the vehicles is not being used because it needs to be replaced.

**Mr Johnson:** I would have to take that one on notice to double-check. It might have been out of service for servicing or for damage or something.

**THE CHAIR:** Okay.

**Mr Gentleman:** There is a regular maintenance program that occurs, whereby a vehicle will go into service and then is replaced by the other vehicle that is operational at the time until that vehicle is returned from service.

**THE CHAIR:** Where does it usually get serviced—is it interstate or here in Canberra?

**Mr Johnson:** The iLoad is a Hyundai vehicle; you can service the vehicle here.

**THE CHAIR:** Here in Canberra?

**Mr Johnson:** Some of the other more specialist bits you would potentially need to do interstate, which brings its challenges, obviously, at this point.

**THE CHAIR:** Yes.

**Mr Johnson:** It depends; if it is just a service and oil change, it can be done more simply. Again, I would have to take that on notice to find out exactly what we would be using SG Fleet—as to what their normal arrangements are for servicing of the vehicle as an element of the package.

**THE CHAIR:** Yes, all right; thank you.

**MR BRADDOCK:** We heard from the Auditor-General that the issue was not so much the policies and the framework, but individuals just not following the framework. Has anyone been held accountable for this procurement outcome?

**Mr Glenn:** Mr Braddock, I think you heard the Auditor-General's evidence that a number of people who were involved in this particular procurement are no longer with ACT Corrective Services or with the directorate, so it is very difficult to find particular individuals. Clearly, there was a failure through the entire process, which the Auditor-General has revealed. To the extent that there is accountability for that failure, I sit here and I am accountable for that now. Obviously, I did not participate in it at the time, but I now have the responsibility for remediating the situation and making sure that it does not happen again, which goes to the framework we put in, but



also how we articulate our expectations to staff who are dealing with procurements and provide them with the support to be able to do procurement properly.

**MR BRADDOCK:** That was going to be my next question. How are you ensuring a culture of compliance with these brand new policies that are created?

**Mr Glenn:** Indeed. We have a training regime that is rolling out to provide guidance to staff about the new procurement framework. There is some further work to be done, over time, on some of the online tools that are now being introduced to assist people to work through different-value procurements. There is a conflict-of-interest online tool, and there was a session in the middle of this year for executives around that. I have been doing some messaging to staff—and to executive staff in particular—about the importance of probity and managing procurement, and I will continue to do that.

As a directorate, we have a monthly meeting with Procurement ACT to work through procurement issues. If they are seeing anything that reflects on us that we might need to remediate, we take that advice. Separately, we have a procurement community of practice which is operating, where we have our staff who are engaged in procurement working with one another to improve their own capability and working with Procurement ACT to improve and maintain their currency in all of the new procurement arrangements that are being put in place.

**MR BRADDOCK:** If I may be so bold, may I suggest also records management is important in documenting key decisions.

**Mr Glenn:** Indeed. That would certainly be an expectation. The Auditor-General's report clearly demonstrated that there was a failure in record keeping in this instance. Part of our framework and part of our close working with Procurement ACT and others is actually to make sure that we have the end-to-end exercise of procurement, which starts at the process of working out what it is that we actually wish to procure, going through the steps of documenting those, and then into how you manage the contract that emerges at the other end, and better control it.

**THE CHAIR:** The current review on Romeo 5, when did that start?

**Mr Johnson:** Certainly, in my time we have been working on what is next. The review will take a number of parts. We have done it. We have had a look at it from a workplace health and safety point of view again. We have looked at what the options are, and there are a number of options that potentially exist for the use of a vehicle. Now it is working out which of those four or five options is the one that is going to suit us best. So, the review is ongoing, and there has been a constant effort, I guess, since the auditor's report came out, to work out what is next for the vehicle.

**THE CHAIR:** Yes. Can you share with us what are those options, Commissioner?

**Mr Johnson:** Yes. One of the options is obviously to retain the vehicle. After we had a further workplace safety inspection on it, there were a number of suggestions about how the vehicle, as it stands now, could be improved. That included things like seats and so forth that are inside the vehicle being replaced, improved individual pod

heating systems and monitoring systems, and so forth. With that remediation, an option is to keep the vehicle as it is now without using it at its lower capacity. There is an option, obviously, to upgrade the vehicle to make it suitable for taking the extra weight, which would mean then, obviously, training drivers because it would then become a rigid vehicle. It is an option; whether it is the best option is another question.

**THE CHAIR:** Sorry, did you say it needs training drivers if you do upgrade it?

**Mr Johnson:** Yes, it would.

**THE CHAIR:** I see. Because of the different class.

**Mr Gentleman:** Heavy vehicle.

**Mr Johnson:** Yes, it would then become a heavy vehicle.

**THE CHAIR:** You will be classified as a heavy vehicle; okay.

**Mr Johnson:** Yes. There is an option that could be to repurpose the body for other purposes. We have stores and all sorts of things that might get value out of a light commercial vehicle, which we could explore; and then use the pod for training, for example. There is an option to separate from the lease fully and walk away from the vehicle. I do not make a statement about which one is better or worse at this point, but they are the range of options that are open to us.

**THE CHAIR:** Going back to the first option—the cosmetic improvement of the pod—would that just require four inmates? The upgrade is when you increase the amount of inmates.

**Mr Johnson:** Correct.

**THE CHAIR:** All right. Is there a cost risk assessment when you are doing the review—how much each of these options would cost?

**Mr Johnson:** There is. As a rough order of magnitude, it would cost us \$20,000 to \$40,000 or \$50,000 to do that remediation work. So, there is a cost associated with it, absolutely.

**THE CHAIR:** When do you think this review process will finish?

**Mr Johnson:** I am hoping to get it settled soon so we can make a decision about the vehicle; and I think the work we are doing to get ready to run a procurement process for the next generation of vehicles is going on in parallel. So once we make a decision around Romeo 5, then we can make the decision around how many we might purchase in the next iteration of specialist vehicles.

**THE CHAIR:** Okay. When you say “soon”, Commissioner, are we talking about weeks or months or at the end of the year?

**Mr Johnson:** I am hoping to get it done by the end of this year, absolutely.

**THE CHAIR:** By the end of this year.

**Mr Johnson:** Yes, to be settled. I hope to do it earlier. I hate to commit myself in here to something that I cannot achieve.

**THE CHAIR:** No, that is all right. Who are the members in the review panel?

**Mr Johnson:** We have a procurement team that are working on it. We have people from AMC who are helping out with it. We have health and safety representatives from AMC who have been involved in it, in part. So, there are a number of people who have roles in working through it with us.

**THE CHAIR:** The AMC people who are involved in it, are they the corrections officers who are responsible for operating the Romeo 5, or are they senior management who have no operational experience with Romeo 5?

**Mr Johnson:** No, there was a health and safety representative from staff who was involved in the workplace health and safety review that comes up with the recommendations.

**THE CHAIR:** Yes, but do the health and safety officers from AMC operate the Romeo 5?

**Mr Johnson:** I would have to take on notice whether it was one of the teams that regularly use it or not. As I said, it has not been in use much at all, if at all, for quite some time. So, I guess, no one has been using it, if you like. The court transport unit will be involved and have been involved in discussions around what we are going to do with the vehicle, and will continue to be. We have to engage with staff to make sure that it is going to be suitable for them to do what they need to do.

**THE CHAIR:** Okay. Are the court transport unit personnel different from the corrections officers at AMC or are they the same?

**Mr Johnson:** They get broadly the same training, and they are classified as corrections officers, but they get a range of specialist training as well.

**THE CHAIR:** For the court transportation?

**Mr Johnson:** That is related to the court transport and handling juveniles and young people, because they also transport for Bimberi. They have some specialist skills around managing court etiquette and so forth.

**THE CHAIR:** Yes.

**Mr Johnson:** So there is a core of people who work in the CGU that have more specific training than the rest of the AMC staff; but from time to time AMC staff do work in the courts. So, they are all classified as corrections officers.

**THE CHAIR:** Okay. Thanks for clarifying that.

**Mr Gentleman:** We have had some overtime from CGU into AMC as well.

**Mr Johnson:** Yes, so they will work both ways from time to time.

**THE CHAIR:** Okay. Thanks for clarifying that. You mentioned Bimberi. Are Bimberi detainees being transported in these court unit vehicles or not?

**Mr Johnson:** As I understand it, they are, yes.

**THE CHAIR:** Okay. Have they used the Romeo 5?

**Mr Johnson:** I would have to take that one on notice. As I said, it has not been used significantly in the last 12 months. Before that, I could not tell you. I would have to take that on notice.

**THE CHAIR:** That is it. Thank you, Commissioner.

**MR PETTERSSON:** I am not sure if you were watching the Auditor-General just before, but in the Auditor-General's report he says that a prohibition notice was issued to Corrective Services regarding the vehicle. In the hearing preceding this one, the Auditor-General stated that, in fact, the prohibition notice was not issued. I was wondering if you could provide some commentary or your recollection of events when it comes to the prohibition notice?

**Mr Gentleman:** Yes. As the Auditor-General explained earlier on, it was an error on their part that they had thought that a prohibition notice may have been issued. I think it comes down to where we see WorkSafe working with ACT government. Often, if they see an issue, they will advise the unit of that particular issue. If the issue is fixed or does not require a PIN anymore, then they do not need to go to that formal action of putting forward a PIN. It is really a way of minimising risk and harm before you need to get to an active policy action. I think that is what has occurred in this case.

**MR PETTERSSON:** Did Corrective Services think there was a prohibition notice in place?

**Mr Gentleman:** No.

**Mr Johnson:** No. We talked about this earlier. What happened was that we worked on the basis that, whether or not one was in place, we needed to do what the regulator had said we needed to do. Consequently, we basically treated it like it had been in place. So, whether or not it was in place, we treated it as if it had been and took the action that was required to be done. So I think that might have been how it got—

**Mr Glenn:** I think that in our checking process of the report we saw the reference to the PIN. We had understood that we had taken the action in response to WorkSafe concerns. Those two things were conflated, and we did not pick up the specific issue that a PIN had not actually been issued. That emerged later as we were going through another reporting process. We raised the issue with WorkSafe and began to investigate whether, in fact, a formal document had been issued as opposed to advice

from WorkSafe, which, of course, we followed. It transpired that the PIN had not needed to be issued because we had taken the steps that WorkSafe wanted, on the spot. We relayed that to the Auditor-General and he gave his evidence about how his investigation sort of flowed from there.

**MR PETTERSSON:** Cool. Thanks.

**MR BRADDOCK:** Commissioner, is there an indicative time frame for that next generation of court transport unit vehicles to come online?

**Mr Johnson:** Procurement takes a little while. I guess my experience from both policing and ESA is that it can take some months to go through the process of going to market. Once you have worked out what your statement of requirements is, and you do the rest of the procurement planning, going to market, getting the tender completed, make sure it is fit for purpose, and then commissioning and getting the vehicles out, and purchasing the vehicles—particularly in this time when some of the vehicles are in short supply—it could be nine months; it could be longer.

**MR BRADDOCK:** So what is the interim step in terms of the court transport unit vehicle operations between now and getting the next generation vehicles online?

**Mr Johnson:** I have reached out to my New South Wales corrections colleague and he has indicated some support for a loan vehicle. If that be the case, we will make sure it is fit for our purpose. That will be a shorter-term solution, so we have an interim option. I am hopeful that that pathway will give us a shorter-term solution whilst we are doing the procurement work.

**MR BRADDOCK:** Would that be an eight-seater large vehicle like the Romeo 5?

**Mr Johnson:** I do not think that it would be quite such a substantial vehicle. I think it would be something more like the iLoad type of smaller vehicles, like the other ones that are in the fleet—but we have not settled on the exact vehicle yet, so I would not hold them to that—because it has more utility, in terms of choices around using it for things like hospital transports and other things as well. So I imagine it would be smaller. It will not be that size of vehicle. But, as I said, we have not settled on the vehicle just yet. We have got a broad agreement that that is an option.

**MR BRADDOCK:** Thank you.

**THE CHAIR:** Commissioner, when was the Romeo 5 last used?

**Mr Johnson:** I would have to take that on notice to know exactly.

**THE CHAIR:** I thought you might need to do that.

**Mr Johnson:** I think it has been used a couple of times more recently because of some pressure on detainee transport.

**THE CHAIR:** Yes.

**Mr Johnson:** I understand it had not been used substantially. I think March 2020 was the time mentioned. If it has been used, it has been very recently. I know that, at the moment, it is being serviced—as of yesterday.

**THE CHAIR:** Okay. You probably need to take this on notice as well. I just want to know the cost of maintenance of Romeo 5 since June 2018, when it was first given to Corrections.

**Mr Johnson:** We can do that. The only cautionary note is that in the lease, normally maintenance costs are built. We would be paying it as our lease cost to SG Fleet. I can take that on notice as well.

**THE CHAIR:** If you can cut it down, that would be great.

**Mr Johnson:** It might be that there would be a lease cost for maintenance allocated. We should be able to get what the total figure is. We would pay it as part of the lease, so we would not actually pay time by time, if that makes sense.

**THE CHAIR:** Yes, absolutely. Before, when the Romeo 5 was being used quite regularly, we heard stories that the corrections officers did not really enjoy driving the vehicle. What are you trying to do to improve that situation with corrections officers?

**Mr Johnson:** The first thing to say is that we want to use the vehicle as little as possible, for a range of reasons, including people not feeling confident driving it. As I said, if we chose to upgrade the vehicle—and I do not say to the committee that it is a preferred option—we would have to do the training for our officers to drive it. It would give them a higher level of vehicle qualification, which then, one would imagine, gives them more confidence in driving a heavier vehicle. But, at this point, we try to minimise its use.

**THE CHAIR:** That is understandable. Okay. Thank you, Commissioner.

**MR PETTERSSON:** I was wondering if someone could speak more broadly to any changes to the CTU since the audit? Have there been any reforms?

**Mr Johnson:** Perhaps the thing to note might be that we have recruited a senior director responsible for the court transport unit, as a senior officer. The first time that position existed was last October. Having looked back on that, they have done a lot of work implementing elements of what was the inspector's review of the court transport unit. They have improved, I think, quite considerably, some of our stakeholder relationships with the courts and with Bimberi. As I said, we provide a service to Bimberi as well. That includes things like training for our staff on the handling of young people during custody. There has been some work that we were required to do around frosting glass and so forth, that he has managed the process of delivering. It has been good for the culture of CGU to have that sort of leader in place through the week and working on issues of staff support and so forth.

I think that has been a significant step forward. When I look back at what has happened, I think that has been a significant step forward. It seems like a logical and sensible path to take.

**Mr Gentleman:** Certainly, on our last visit to CGU there was a good improvement in morale. There was a reflection to us, as we visited, that they were happy and saw some changes taking place. It is a good thing, I think, when you get that feedback.

**MR PETTERSSON:** That is good. There is the new electric vehicle charger as well. We noticed that.

**Mr Gentleman:** Indeed, there is. We are looking at this across government in procurement, particularly with ESA and, indeed, in Corrections for the future—and how we can provide for the change from internal combustion engines to electric vehicles. Indeed, the new joint services station for Acton will have provision for electric vehicles. So we will need to look at not just the vehicles but the provision of infrastructure for charging the vehicles, as well. To retrofit some of our areas is an engineering feat sometimes but also is a cost. We need to make sure that we are aware of that cost as we go to do that. Embedding it as we do in construction, as we are with the new Acton station, means that the cost will be much further reduced.

**MR PETTERSSON:** Mr Johnson, you mentioned that position. What was it?

**Mr Johnson:** Director of the transport unit.

**MR PETTERSSON:** Did that previously exist or is that a new position?

**Mr Johnson:** That was a new position, as I understand it. It was only put in in October last year. The incumbent, who was only selected and put in place last year, has quite an extensive experience of corrections in other jurisdictions and so forth. So, as I understand it, it is a new position.

**MR PETTERSSON:** Cool; thank you.

**THE CHAIR:** Is that director also participating in the review panel?

**Mr Johnson:** Yes, absolutely involved in it.

**MR BRADDOCK:** Just a minor question to follow up on my previous line of questions, and you can probably take it on notice. Can I have the cost associated with the potential loan from New South Wales corrections?

**Mr Johnson:** We do not know the cost as yet. We have looked generally at what our options are to give us an interim solution, so I have reached out to them. I think that we now have to go through the process of what the cost might be. I would inevitably imagine that they would invoice us to cover the lease cost, whatever that might be. We have not settled that. I think we will not settle that until we know what the vehicle looks and feels like. Once we know that, we can absolutely provide that detail.

**MR BRADDOCK:** You mentioned that if the Romeo 5 is upgraded, the staff will need training. I make the point that if it is not upgraded but just has the cosmetic changes, as Mrs Kikkert mentioned earlier, staff are still not confident in terms of driving that vehicle; hence, an investment in training might be worthwhile just to

ensure that they feel confident and capable of driving it.

**Mr Johnson:** Yes. Those are the sorts of questions I have asked to go back to staff on. If we are going to explore that option, what do staff think of that? Is it doable, is it reasonable and what might we need to do to make people comfortable with driving it, which will include training and whatever else we might need to do to support them? They do not necessarily say that is the preferred option, but it is one that, I think, is worthy of exploring, in fairness. I take the point on board. It might be that, even without the need to upgrade, there is some type of training on the use of the vehicle. Let us assume that it is a larger vehicle and train them as such; that would not be a bad outcome.

**THE CHAIR:** Just following up on that particular question. You are currently consulting with corrections officers—if you do have that option available—on whether they would like to be trained to drive that vehicle.

**Mr Johnson:** I think it has got to be one of the considerations. I have provided that request back to AMC and the people working on the review to go back to staff and talk to them about if that is a possibility.

**THE CHAIR:** Are they doing it, though?

**Mr Johnson:** As I understand it, yes.

**THE CHAIR:** Okay.

**Mr Johnson:** That has only been a fairly recent request, so whether it has been done in the last week or so I could not tell you for sure. As this has unfolded, it was a reasonably recent request on my part, but I have no doubt that it will be. That is a consideration, absolutely. If that is something that they would like, to make them feel more confident with the vehicle, that is something we would do—if that was the option, of the many options, we ended up choosing.

**THE CHAIR:** Of course.

**MR BRADDOCK:** Should you perceive the option of upgrading Romeo 5 or the next gen vehicle is going to be a heavy rigid, what would be the training overhead in terms of bringing up the staff? How many staff would need to have a higher grade of licence to be able to drive the vehicle?

**Mr Johnson:** That is work we would have to do. The preference would probably be to train everyone at CTU, but that might be a significant effort. You would need sufficient to make sure that there was someone on shift, or multiple people on shift, who could drive the vehicle. Because CTU staff are generally there eight to four Monday to Friday or around the normal business times, and most of the staff are in, you would not need everyone trained, but it would be an opportunity to give them training. External providers provide that training and we could go to market to get it. As to the exact cost per unit, I could probably get you a rough idea of what that might be, how much it would cost to train each individual on current market rates.



**MR BRADDOCK:** That is not necessary. I was more just trying to understand what the impact might be on your operations and how you would deal with that.

**Mr Johnson:** It is one of the costs and benefits. With a higher standard of vehicle that requires a greater licence, the fewer people you have to drive it, the more narrow its ability to be used for other purposes. That is one of the downsides of that option. I think we have to explore the positives and negatives of that. Again, it is an option we have to explore. It may not be the best option.

**MR PETTERSSON:** Are corrections officers required to have a drivers licence currently?

**Mr Johnson:** As I understand it, yes.

**MR PETTERSSON:** Really? Thank you. I was not expecting that answer.

**THE CHAIR:** Commissioner, you mentioned before during the review discussion that you are also reviewing whether or not the CTU fleet is currently enough to service what needs to be done. From your experience and your background, do you think that we have enough CTU vehicles?

**Mr Johnson:** In my mind, I am interchanging them between the entire corrections fleet. Whether they are CTU or whether they are at AMC, I think, is in some ways moot; but I take your point. Particularly after more recent events, my instinct is that we probably need at least one extra secure vehicle.

**THE CHAIR:** Currently we have four.

**Mr Johnson:** Yes.

**THE CHAIR:** And you believe we need five?

**Mr Johnson:** Yes. I would like to see whether that is something we can do, particularly if we are going to use more secure vehicles for other types of escorts, and have it available, because we are using them for a range of non-court escorts now. We are using secure vehicles, for obvious reasons, and we are juggling the four vehicles around. That just adds a little bit more pressure to that. If we lose one out of the fleet for repairs or something, it adds extra pressure. Certainly, something that I am exploring is: can we substitute a vehicle that is not secure for one that is in the fleet? That would obviously come at a greater cost, for one reason or another, but I would have thought that was something we have to explore.

**THE CHAIR:** Minister, is that something that you are currently considering as well, to approve a fifth vehicle? What is the process there?

**Mr Gentleman:** I am happy to support the commissioner in what he sees fit in relation to the operational procedures at AMC and CTU. I think it is important that we provide a level of safety, particularly for our staff and the Canberra community, after recent events. I am sure he will come to me with the request, and I will certainly take a look at it.

**THE CHAIR:** The committee's hearing for today is now adjourned. On behalf of the committee, I would like to thank the Auditor-General, Minister Gentleman and all their officials who have appeared today. The secretary will provide you with a copy of the proof transcript of today's hearing when it is available. If witnesses have taken any questions on notice today, could you please get those answers to the committee support office or committee secretary within five working days of the receipt of the uncorrected proof? If members wish to lodge questions on notice, please get those to the committee support office or committee secretary within five working days of the hearing, day one being the next working day after the hearing. Thank you.

**The committee adjourned at 10.40 am.**