

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PUBLIC ACCOUNTS

(Reference: Inquiry into annual and financial reports 2020-2021)

Members:

MRS E KIKKERT (Chair)
MR M PETTERSSON (Deputy Chair)
MR A BRADDOCK

TRANSCRIPT OF EVIDENCE

CANBERRA

TUESDAY, 22 FEBRUARY 2022

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.

APPEARANCES

| Icon Water Limited | 16 |
|---|----|
| Independent Competition and Regulatory Commission | 22 |
| Major Projects Canberra | |

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Amended 20 May 2013

The committee met at 10.46 am.

Appearances:

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

Major Projects Canberra

Edghill, Mr Duncan, Chief Projects Officer

Piani, Mr Adrian, Chief Engineer and Executive Group Manager Infrastructure Delivery Partners

THE CHAIR: In this session we will hear from the Treasurer and officials from Major Projects Canberra. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Could you confirm your name and the capacity in which you appear today for the record and that you understand the privilege implications of the statement.

Mr Barr: Yes.

THE CHAIR: Fantastic. Does the Chief Minister have a briefing, or would he prefer that we go straight into questions?

Mr Barr: Chair, my understanding was that there would not be any opening remarks during this annual report year.

THE CHAIR: Fantastic. Thanks for the reminder.

Mr Barr: That is my understanding, unless this committee wants something different.

THE CHAIR: You are 100 per cent correct. Thank you.

Mr Barr: I would not mind giving you a 10-minute monologue!

THE CHAIR: No, thank you; we are good! We will go straight into questions.

Your accountability indicators for capital works are addressed on pages 33 and 34, and I would like to focus on the budget and time aspects of these. The results seem too good to be true, and once you get into the footnotes it is clear why: you are reporting based on revised budgets and timeframes. For all of your projects since you were established, both completed and in progress, will you commit to provide—or on notice is fine—the number of projects completed within the original schedule and budget, as well as both the original and final budget and schedule?

Mr Barr: We report, Madam Chair, through the annual report and through the budget and the mid-year update in relation to the timeframes for capital works. We also have a report every six months. COVID has impacted on supply of both labour and materials. So we have made adjustments, and that is reflected in the annual report.

MS LEE: I have a supplementary question. Chief Minister, noting your response and

in terms of the rescoping, are you able to provide to the committee, for their benefit, an outline of the original timeframe and budget compared to the revised or rescoped timeframe and budget?

Mr Barr: That is available in the budget papers and the annual report.

MS LEE: Can you tell me what page, please?

Mr Barr: I will take that on notice.

MS LEE: Thank you. On that information, do you have anywhere where it tells you if there are projects that have been rescoped or revised more than once? Is that information available?

Mr Barr: In the annual reports and budget papers and mid-year updates and the six-monthly capital works update. So there will be four data points that occur frequently throughout the year as to the progress of projects.

MS LEE: Will you also take on notice the pages for those as well?

Mr Barr: Yes.

MS LEE: Thank you. Have you got a summarised version of the difference of the budgets for the revised and the original?

Mr Barr: Yes, they are recorded in the budget papers. When they are updated, you see the movement within individual projects. I will take those budget paper pages on notice for you and provide that to the committee.

MS LEE: You sort of foreshadowed what I was going to ask next, so thanks for that. This is more a question for Mr Edghill. Is he in the room?

Mr Barr: He is, yes.

MS LEE: Great. Thank you. Mr Edghill, you wrote to this committee in December last year, drawing the members' attention to a statement that you made in the previous hearings about timelines for some of your projects. Forgive me, but I am a little confused, because you said that you have a bit of an objection to the committee report which stated that you had "assured the committee that despite the impacts of COVID-19 and resultant lockdowns, major projects would be delivered on time." Then you drew a distinction between that statement contained in the report and your evidence on 26 October last year, in which you stated, "My expectation is that each of these major projects will adhere to the program." I am just a bit confused as to what the objection was. That seems to be a fairly accurate description in the committee report of the evidence.

Mr Edghill: I have read and I understand the privilege statement. Respectfully, I took the view that the report did not actually reflect what was in the *Hansard*, and that was the reason for writing to the committee. At that time, it was my expectation that, of the projects that we were talking about, those projects were adhering to program. I

think an expectation that projects are adhering to program is very different to providing a blanket assurance that every project will finish on time. Of course, even if we were not in the world of COVID and infrastructure market capacities, I do not think I would ever provide a blanket assurance to anyone that a project is going to finish on time until it is actually finished on time.

That is not to say that I do not hold expectations around projects holding to program, but I think that is a lot different to providing a guarantee or a blanket assurance as to where a project is going to finish up, and I think it would be unwise. If anybody is offering such guarantees, I would certainly be a little bit worried about those guarantees because I do not think, in project management world, you can ever provide a blanket guarantee as to where a project is going to finish until the project has actually finished.

MS LEE: Thank you for that clarification; I appreciate that. Obviously, you mentioned your statement last year in the hearings your expectations. Can you just provide evidence to the committee now as to the changes in your expectations?

Mr Edghill: Chief Minister, are you happy for—

Mr Barr: Yes, by all means, Duncan. Talk about your expectations, as distinct from giving guarantees.

Mr Edghill: Yes. Great. Fantastic. I would be more than happy to talk about certainly the conditions that we find ourselves in since the last hearing. Major Projects Canberra is responsible for three major projects where we are the delegate and hold the budget. If I begin with the Canberra Hospital expansion project, it is still my expectation today that we are holding to program and holding to budget on that project. We have made exceptional physical progress and design progress on that project, notwithstanding the challenges that we have faced over the last 12 months.

MS LEE: Mr Edghill, just so that it is clear for everyone on the committee, as well as for those who are listening, you are talking about the revised estimate in terms of the completion date and budget, when you say that you expect it to be on time?

Mr Edghill: When I am talking about the Canberra Hospital expansion project, yes. I am talking against the project that was approved by cabinet for us to proceed with, and it is my expectation that we are holding to program and budget there. So in terms of progress on that project, there is very clear physical progress which has been made. So as we sit today, we have effectively completed the early works programs. Of course, the Canberra Hospital expansion project is not just the main facility itself; there were a number of other buildings across the campus that we needed to build in order to move the pieces of the jigsaw puzzle around. So those early works are essentially complete. There are some utility works which are happening on Hospital Road which are ongoing, but in terms of building 8, building 28 and a variety of other projects we took across the campus, they are effectively completed.

In terms of the physical progress of the main new building itself, the old buildings 5 and 24 have been demolished, including the tunnels and whatnot that were under the ground. In terms of excavation of the sites, we have made fantastic progress and we

are getting close to the point where—I think there is another session on that project in particular—construction on the superstructure proper will commence. So 2022 will see a lot of visible building progress on that particular project. That is not to say, of course, that in current market conditions there are not risks associated with the project, and we are certainly monitoring those very closely, but in terms of my expectation today, as to where that project is sitting, I am still expecting that to hold to construction completion in mid-2024.

MS LEE: Just so that there is no confusion whatsoever, right in the beginning of your answer you said that it was in relation to the cabinet decision that was made. Can you tell me what date that was?

Mr Edghill: I would have to take the exact date on notice, but from recollection, the business case was approved just prior to the establishment of Major Projects Canberra and we came into establishment on 1 July 2019.

MS LEE: So you are looking at July 2019. Thank you for taking that on notice. I appreciate it. Thank you.

THE CHAIR: Did you have something to add?

Mr Edghill: So that was the hospital expansion project. One of the other two major projects that we manage is the CIT Woden project. That is a project where demonstrable progress is being made. So there are physical works underway in Woden Town Centre, which are plainly apparent. There are some pressures on that program, which are a consequence of a little bit of wet weather but also of COVID, and it has brought about knock-on effects in particular around non-contestable utility works. So on that particular project, it is a little bit too early for me to be definitive, because we are still in negotiations on the CIT package itself. We are in negotiations with a preferred respondent, so we are not into contract yet. So we do not have program dates which are in contract, but that is a project where, particularly due to some of the utility movements, there is pressure in that program.

Then the third major project which we are responsible for is light rail and the associated raising of London Circuit. For that project, my expectation has not changed from where we were at the last hearings. We are in a procurement process for the raising London Circuit component at the moment and we are also in a procurement process for the purchase of additional light rail vehicles. But my expectation is that that project is holding to program, too, noting that we are awaiting bids for raising London Circuit.

THE CHAIR: Thank you. You mentioned that no contract has been signed yet for CIT Woden; is that correct?

Mr Edghill: No, sorry. My apologies. Of course, we have contracts in place for various packages of work which are underway. I will take a step backwards. The CIT Woden project does not include just the new CIT facility itself, but it also includes a new public transport interchange. It also includes the layover and associated roadworks. They were put to market, we are in procurement processes and we have entered into contracts for the bus layovers, the associated roadworks and for the

public transport interchange. That is why there are physical works underway there.

When I say that we have not entered into a contract yet, what I am referring to there is for the new CIT facility itself. So that procurement process is approaching an end. We had bids come in at the tail end of 2021. We have identified a preferred respondent and we are in contract negotiations for the CIT facility itself. But we have not signed the contract for that package of work yet and, consequently, until we have done that, it is a little bit premature to talk about exact program dates. But with respect to the public transport interchange, there are some challenges not just for that project but more broadly, particularly as it relates to non-contestable utility works, where you are a little at the mercy of specialist crews from utility providers outside of Canberra and their availability.

What we are finding on that front is that the challenges with non-contestable utility works, for example, extend beyond the simple shutdowns that happened. Particularly where you have a specialist work crew that needs to come down from Sydney to do work, they are not only catching up in terms of the abundance of work that they have in other jurisdictions but where those work crews are in quarantine or somebody gets sick it does impact their availability to come down to Canberra.

So we are finding, with the likes of Telstra and so forth, that they have not had windows where they can send their specialist crews down to do work, and we are a little at their mercy as to when they can send those crews down. With utility works in particular, by definition, because they are underground, they are typically the first thing that you need to do before you can start building. So where there are pressures on moving utility services, and those can create knock-on pressures throughout the entire program of a project. So, certainly, non-contestable utility works are an area that we are focused on closely, but they are a little outside our control.

MS LEE: I have a supplementary question. Mr Edghill, I think we sort of touched on this at the last hearing, but I am still a little bit confused as to the justification for why, in terms of reporting, the CIT Woden and the bus interchange are all together, given in your very good, lengthy answer just now you have been able to differentiate between the different parts of the project. Obviously, they are at different stages. Can you please provide for the committee an explanation as to why, in terms of reporting, it is the way it is?

Mr Edghill: My apologies. Just to make sure I have understood the question, is the question about why we are progressing the project under separate packages of work and why we are doing the bus interchange first?

MS LEE: It is not even that. It is more the flipside. In terms of reporting, why is it one line item together? It is the Woden CIT and the bus interchange altogether; there is no sort of separation.

Mr Edghill: Yes, certainly. I am happy, if that is okay, to take that question. It is one project. So it is one project that we manage as one project team. The way that we are delivering it is under separate packages of work. Essentially, across probably most of our infrastructure projects it is not uncommon for there to be one project but multiple contracts underneath that to enable the works to occur, typically. We saw that on the

hospital expansion project, for example, where we have entered into quite a number of contracts because there are different parties doing different pieces of work.

Essentially, it happens often where you have an early works package that might be put out to a different contractor earlier on in the piece while procurement and so forth is running in parallel for other parts of the project. The idea behind doing that is to make the overall build program as efficient as possible. So with the CIT project, effectively the layovers and the road and the interchange are an early works package of the whole project, but it is one project being managed by one team internally.

MR PETTERSSON: I was wondering what effect the current global supply chain crisis is having in the delivery of major projects in Canberra?

Mr Edghill: Chief Minister, would you like me to take that?

Mr Barr: Yes, please. Duncan will be best placed to answer this one.

Mr Edghill: It is a challenging market that we are operating in, and it is not just COVID-19 but also just the general program of infrastructure works which are happening up and down the east coast. COVID-19 has implications not only for supply chains but for the availability and quality of resources and the costs of supplies. It also has an impact on project risks.

To give you a sense of some of the market feedback—and this is not just Canberra, this is nationwide—about some of the conditions that we have been operating in, if I look at 2021 figures, for example, from December to Q4 of last year, timber prices were up 40 per cent. There was a three-month period in 2021 where prices for steel for roofing and wall frames, et cetera, went up 36.5 per cent. Concrete was up 30 to 50 per cent from original cost plans. The cost of a shipping container went from sub-\$2,000 to \$6,000. They are some of the pricing implications that we are seeing from COVID.

In terms of supply delays, we are also seeing a big increase in lead times before materials can come on site. So, to give you a sense, roof sheeting had a two- to three-day lead time; it is now three weeks-plus. Concrete pipe was two weeks; it is now 16 weeks. Timber frames was two weeks; now three months. Engineered timber, if you can get it, has especially long lead times; I think around eight months was what came through on one of our big processes.

Then the physical labour side is a challenge as well, and that is across not only specialist work crews. Of course, for any project where we have needed a specialist from overseas, that has not been possible, but for other specialist trades—and I have mentioned non-contestable utilities before—the market is battling with availability, or just the number of those specialist trades which are available. When a crew needs to go into quarantine or when somebody gets sick, it can have broader knock-on effects that will take a long time to play through the network and management and supervisory areas.

One of the unique challenges that we have in Canberra is that even in the best of times, we are competing against the likes of Sydney and Melbourne not only for workers

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who are on the tools on site but also for designers and for some of the management expertise. That is a challenge at the moment. Particularly with COVID there is kind of a natural reluctance to travel a little bit outside of your home town, and then you can add on top of that just the number of projects which are happening in other jurisdictions.

Then, of course, all of this leads into a different risk profile for projects. So quite often, even if we can do a lot of juggling—and within Major Projects Canberra and our teams and with our partners, we do do a lot of juggling to keep everything on track as best we can in terms of the end date of a project—certain tasks get compressed and start to overweigh each other. So it heightens the risk of what we call that the "critical path". If there is a delay on the critical path, it is going to delay the whole project. Because of COVID-19 there is a compression of tasks that are happening within a program, which increases some of the risks that if something does go wrong it can have knock-on implications for the whole project.

This is not just me saying this. There was an Infrastructure Australia market capacity report in October of last year, too. One of the key points out of that capacity report was not that we will get over COVID and everything goes back to normal. You add all these things together, both the pipeline of work and COVID-19, and this still has a number of years to play out. In that Infrastructure Australia report, they talk about potentially the peak demand for skills being 48 per cent higher than supply; 34 of 50 public infrastructure occupations are potentially in shortage.

When you look at where the infrastructure work is happening over the coming years, 87 per cent of resource demand is coming from New South Wales, Queensland and Victoria. So that is obviously the east coast market there, that we are participating in. They have identified supply risks, particularly in quarry products—the likes of concrete and cement. And in terms of there being a national peak deficit of certain trades, the IA report calls out potentially a national—so not just us—peak deficit of 70,000 engineers, scientists and architects; 15,000 structural and civil trades; and 19,000 project management professionals. I do not want that to come across as a "woe is us", but it certainly is a very challenging market that we are operating in. It is certainly much more challenging than it was, say, three or four years ago, or before COVID, definitely.

MR PETTERSSON: You have mentioned the significant increase in the cost of construction materials. How do you factor these changing prices into the cost of these projects?

Mr Edghill: Chief Minister, are you happy for me to take that?

Mr Barr: Yes, go ahead.

Mr Edghill: It all begins with the initial planning process. There are a few different strategies that we have for managing it. I think ultimately the ideal space to be in is where your estimates are as accurate as possible at the time that you are entering into a project. Sometimes, particularly when you are in a volatile market, where we are now, it becomes a little bit challenging, because, of course, the business case gets done here but then you have planning, design, procurement processes, so by the time

you are actually signing contracts, you can quite often be more than a year on from where the business case was.

So one of the things that we need to manage is being as accurate as we possibly can across the service at the planning stage, and obviously the more volatile the market, the more difficult that becomes. But the strategies that we are employing are to ensure that we are undertaking rigorous costing processes through business case processes. We also do, of course, run competitive procurement processes. So when the price of concrete goes up by 30 per cent, for example, that does not necessarily mean the whole price of the project itself has gone up by 30 per cent, because that is just one component of overall pricing.

But then the other mechanisms that we can employ look at the way that we structure procurement processes themselves. So, we might be more inclined on a particular project to suggest that we design fund it in the first instance and take design to a greater point than maybe we would otherwise, because the greater level of detail that you have in the design, the more accurately you can cost that project. So the current market conditions for some projects may lend you to leaning more towards funding the design first and doing the design and then coming back and doing a separate construction process later, as opposed to doing a design and construction contract, or procuring a D and C contract right at the outset, where the market may be more inclined to price-in some uncertainty.

So there is no one magic bullet to managing it. It begins at the planning phase, and then, of course, when we are actually at the point of signing contracts, we work very closely with all of our construction partners to ensure that we have designed and we are building whatever asset it is in as efficient a way as possible. And they are all factors, right from the outset through to when we are building the thing, when we try to make sure that we are efficient and delivering value for money in projects in the current environment.

MR PETTERSSON: Are there any particular major projects we are working on that are more impacted by the global supply chain crisis than others?

Mr Edghill: Chief Minister, I will take that question if you like?

Mr Barr: That is fine, yes.

Mr Edghill: The major projects that we are responsible for. Without repeating myself too much, with the hospital expansion project, for example, there is the timing. I do not mean that to come out wrongly; the timing has been good, but over the last 12 months, we have primarily been in a demolition and design phase. When you are demolishing, that is less exposed to supply chain risks. And the design process—even though it is a little bit more difficult and a little bit more cumbersome—because it is to do with drawing rather than physical works, we have been able to manage with video conferences and so forth. So the hospital project has not to date been affected greatly, comparatively, by supply chain issues. We are keeping a very close eye on that.

Looking ahead, there is a lot of brand-new medical equipment that will need to go

into the hospital. That medical equipment will be sourced from various places around the world. We are very conscious of that, and the approach that we are taking is to work with our construction partner and to work very closely with CHS. It may be the case that we put in equipment orders slightly earlier than we would otherwise, and that is to take into account the fact that there are shipping and other issues around the world. So we are actively managing that.

With the CIT project, as I mentioned, it has not been a supply chain issue in the sense of materials coming to site, it has been a supply chain issue in the sense of the availability of specialist crews from interstate to come and do the utility works, and that is where we are seeing some pressure on those utility works.

Then, in terms of the light rail projects, you will have seen in the city early works that we have been undertaking there. Supply chain has not been a massive factor for us there, in the sense that we have planned those works so that we have a bit of room to manoeuvre. As I said, we are going through the procurement process now. Likewise with medical equipment, we are going through the procurement process for light rail vehicles. We are working very closely with Canberra Metro to ensure that we are taking into account some of the supply chain issues and shipping times and so forth in our planning for that project. So the main thing about that is the supply chain issues should not be taking us by surprise, but we are able to factor some of that into some of the planning and negotiations that we are going through now.

MR PETTERSSON: Wonderful. Thank you.

MR BRADDOCK: I am interested in the scope 3 emissions, which include all the materials we use to build our roads and buildings. Does Major Projects consider the scope 3 emissions? How do you measure that and where can I see some analysis of that?

Mr Edghill: Chief Minister, if I may—

Mr Barr: Yes, Duncan.

Mr Edghill: If it is okay, I may pass to Adrian Piani, who is the ACT Chief Engineer.

Mr Barr: Yes, of course.

Mr Piani: I have read and acknowledge the privilege statement. In terms of scope 3 emissions, embedded energy, particularly in the construction sector, the recent report from the environment commissioner went into some detail. That is a good source of overall information. It identified the construction sector as an area of scope 3 emissions as well. Broadly, there are calculators that can be used to look at the different materials that are used in the construction sector and to calculate their carbon footprint. There are both global calculators and national calculators. There would not be a Canberra calculator. You would take the national approach.

At this stage, we have not done carbon calculations of our scope 3 emissions. However, we are, through the procurement process, engaging in the market with innovative ideas on how we can reduce carbon in our construction sector. Things like

low-carbon concrete are an option. It is being used on some government projects. We are looking at how we can use it more. That example is basically about the different recipes for concrete. Without boring you with too much technical information, sometimes low-carbon concrete has different engineering properties, so we have to ensure that it can be used in the construction sector and that it is fit for purpose for the job at hand. Nonetheless, it is being used at the moment and there is scope, I think, to investigate its use more.

Concrete would be the obvious candidate for looking at lower carbon materials. Other materials are harder. Steel, for example, might be the hardest material. I do not believe there are many low-carbon options, although I do note that BlueScope put out their climate change or low-carbon strategy late last year, which indicates that they are on the pathway to lowering their emissions in steel products. That will be important. So different materials have different carbon intensity factors, if you like, and it does look to me like the supply chain are on board with reducing their emissions.

MR BRADDOCK: So when will Major Projects Canberra start actually measuring the scope 3 emissions associated with its projects?

Mr Piani: There is no time line that I am aware of to adopt, across the procurement supply chain, a calculation of scope 3 emissions. In this case we would be guided by EPSDD, in their role of leading climate change policy and decisions around how we deal with scope 3 emissions, then we would roll that through the procurement process.

MR BRADDOCK: So when I read your annual report—for example, on page 56—and you say, "Considering material carbon impacts for the Woden CIT project," you are not doing that in, let's say, a calculated, methodical way of actually calculating the scope 3 emissions; you are just seeing opportunities when they arise in the supply chain?

Mr Edghill: In terms of government-wide policy, we will, of course, as Adrian mentioned, follow the policy position led by EPSDD. In terms of this particular project, as I mentioned before, the CIT project, we are in the process of negotiating and finalising the contract for the main CIT Woden facility. So it is probably a bit premature to talk about exactly where that is going to end up, other than to say that for this major project we have identified sustainability as a key objective that we are looking to achieve through the project's delivery. I am sure the ACT government will have more to say in that respect once we have signed the contract for the facility.

MR BRADDOCK: Just one final question. How are we going to achieve zero net emissions for that project if we have not calculated the scope 3 emissions?

Mr Edghill: Without being too repetitive, we will go through the contract process. Of course there have been calculations that we have undertaken throughout the project, but we need to finalise the contract process with the delivery partner and then there will be more to say on that particular question.

MR BRADDOCK: Thank you.

MS LEE: Can I take you to page 39, where there is the topic of fraud prevention. It says on that page that the senior executive responsible for business integrity risk—with the very long acronym of SERBIR—had two assessments done and determined that there was a lack of judgement, but those issues were not sent to the Integrity Commissioner. When were those assessments done throughout the year? Do you have those dates?

Mr Edghill: Thank you. I may have to take that on notice. I understand that they were of a relatively minor nature. If we may take that on notice, please.

MS LEE: Okay. In terms of the person or persons responsible for the lack of judgment, what level were they in the public service?

Mr Edghill: Again, I might take the specifics of those cases on notice. I would need to talk to the SERBIR.

MS LEE: Okay; no worries. It says in the report that the matters were referred to human resources for management. Can you confirm what the consequences were or what action was taken by human resources? Will you need to take that on notice too?

Mr Edghill: If I could, yes, please.

MS LEE: Just finally, was there any external legal advice or any other advice sought in respect of managing the outcome of the assessments and how the decision was made not to refer them to the Integrity Commissioner?

Mr Edghill: Without having the specifics of the cases to hand, I would need to take that on notice as well, if I may, please.

MS LEE: No worries. Okay. Thank you very much for that.

MR CAIN: I have a question for Major Projects Canberra in relation to the Auditor-General's report on the procurement for the Campbell Primary School modernisation project. As you would be aware, the Auditor-General's report was pretty scathing about the procurement process, where the contract was not awarded to the tenderer offering the best value for money because the delegate was biased. I quote now from the Auditor-General:

The procurement process for the Campbell Primary School Modernisation Project lacked probity. Tenderers were not dealt with fairly, impartially and consistently.

Could you explain the role of Major Projects in the procurement of this project?

Mr Edghill: Chief Minister, are you happy for me to—

Mr Barr: Yes.

Mr Edghill: I note that the ACT government needs to consider its response to that report. In terms of the general role of Major Projects Canberra, there are essentially

two ways that we deliver infrastructure 6—

MR CAIN: Mr Edghill, could you describe the specific role in this project?

Mr Edghill: Yes, certainly. By way of context, there are two ways that we deal with—

MR CAIN: No, I do not need the context. Could you describe the specific role of Major Projects on this one?

Mr Edghill: Yes. The context, respectfully, helps to describe our specific role very, very quickly. It helps to provide the context. Where we have got major projects—the hospital expansion, the CIT project, light rail—we are the delegate on those projects. Major Projects Canberra is appropriated the funding for those projects. We are the lead on those projects, we are the delegate, we are the decision-makers and we have the direct ministerial accountability for those projects.

In all the other projects that we undertake—and it is not just Campbell school but all other school projects, TCCS projects, JACS projects et cetera—the role of Major Projects Canberra is that we help other directorates through the procurement and contract management processes, but we are not the decision-maker, we do not hold the budget and we do not have the direct ministerial accountability.

So in that sense, what we did on the Campbell school project was what we do on all other projects in that field of our operations. When another directorate has a project which is funded and which is ready to go, that directorate will approach us. We will then help them to work through the procurement process. So we initiate the administrative—

MR CAIN: Were there any alarm bells for you in this much-criticised procurement process, and what was your input in the actual process that led to these decisions?

Mr Barr: Mr Cain, with respect, let Mr Edghill answer your question. You have interjected on him three times now.

MR CAIN: I am seeking a specific answer, Treasurer. So I allow Mr Edghill to proceed with a specific response. Thank you.

Mr Barr: If you could let him finish a sentence it might help us all get through your questions.

MR CAIN: There are rather too many sentences that are avoiding the point. Please answer the question.

Mr Barr: That is not for you to judge, Mr Cain.

MR CAIN: I think it is, actually, Chief Minister. I think it is.

Mr Barr: No, it is not, Mr Cain. Please let the witness answer the question.

THE CHAIR: Chief Minister, we do not have time for one of your directors to answer in multiple sentences. Could you please stay brief on the answer.

Mr Edghill: Yes, certainly. I apologise to members of the committee. I am trying to answer fulsomely. I apologise if I am causing angst. The question was: what is our role? Our role is to work with other directorates and to assist them, from an administrative perspective, in actually running the procurement process. Then, once we are into contract, we manage the construction contract on their behalf. But we are not the delegate for those projects, so we do not choose who the construction partner is. We do not make decisions about budget, for example. We do not make decisions about scope ourselves. It is each of our directorate partners who provides that direction and guidance to us.

In terms of your second question, broadly, whenever there is a performance audit on any topic, we of course take it seriously. I think it is fair to say that there is always something to be learnt or garnered through that process. It is a process where we are always improving ourselves, but in terms—

MR CAIN: Mr Edghill, with respect, this is a fairly scathing review by the ACT Auditor-General. Is it common practice for directorates to override tender evaluation outcomes?

Mr Edghill: As I mentioned at the outset, the ACT government has not formulated its response to the audit report, so I am a little bit cautious about—

MR CAIN: No; I had a specific question. Is it common for directorates to override tender evaluation outcomes? That is a specific question.

Mr Edghill: I would not characterise it as being par for the course. It would not occur on the majority of occasions. But in terms of the specifics of this case, as I mentioned, I am not the delegate, so I cannot answer questions around delegate decisions.

MR CAIN: I note that in the summary from the Auditor-General they quote the acting executive group manager of the Business Services Division in the Education Directorate. They refer to their previous role as the secure local jobs code registrar between 18 November and 20 January, and how that influenced their consideration. Given the strong representation of unions on the advisory committee, and indeed on the administration of the code, to your knowledge, was there any union involvement in this procurement process?

Mr Edghill: If I may, I think you are talking about circumstances that were not happening within Major Projects Canberra. That is a question, I think, for others.

MR CAIN: Okay. Thank you.

MS LEE: Mr Edghill, in your answer to Mr Cain's previous question about whether the directorate overrides the tendering process you said that you would not categorise it as a practice. Do you have actual figures of instances where that has occurred and are you able to provide that information to the committee?

Mr Edghill: I do not have figures to hand. I am happy to take it on notice. I would note that, in terms of Major Projects Canberra's role, we do assist with infrastructure capital works procurement processes. We do not do all infrastructure procurement within the ACT. You have the likes of the SLA and so forth. We do not do all capital works procurement. When it comes to IT systems or equipment, we are not involved in those procurement processes. Of course we are not involved in procurement processes for goods and services and anything else that the ACT government does. I think any answer that we provide would be quite narrow.

THE CHAIR: Sorry, who was speaking?

Mr Edghill: Sorry, I was just finishing my answer. I think any response that we provide on notice would be through a very kind of narrow procurement lens of what we are involved in.

MS LEE: I understand that. My follow-up question, is: Chief Minister, as head of the government, are you able to provide those figures across your government?

Mr Barr: I will take that on notice. Over what time frame? Since the history of self-government?

MS LEE: No. Perhaps in the last five years.

Mr Barr: I will see what resources would be necessary beyond what is already published in annual reports.

MS LEE: What I am just asking for is instances. It is literally following on from Mr Edghill's response that he would not categorise it as a practice but obviously was not able to rule it out.

Can I take you to the projects boards and a couple of vacancies that we noticed in the annual reports: one for the independent member of the CIT Woden project and one for the independent member of the Canberra Hospital expansion. Can you give us an update of why there is a vacancy, for how long, and what the status is in terms of replacing that member?

Mr Edghill: Yes, certainly. With the CIT project, that second independent member position has now been filled, and she was able to join our first project board meeting last month. So there are no vacancies on the CIT board.

With the Canberra Hospital expansion project board, when we set up that board in the first place a deliberate decision was taken to bring the independent chair on first and then run for a period and determine what, if any, skillsets we may need for that second independent member. The independent chair, Tony Michele, has been on board in that hospital expansion project for a period now. There is an active discussion underway at the moment whether a second independent member is actually required on that board.

As with our other projects, typically independent members might have quite different skillsets and lend different skills and experiences to the board. I think what we are finding on the hospital expansion project is that—and I do not want this to come out

the wrong way and sound like I am denigrating any other independent members on any of the other boards—the ACT government is very, very lucky to have a very accomplished and knowledgeable independent chair on that project. I do not speak for the board but the consensus around the board table is that the board has not felt it is missing any skills or experience around the table, given the strength of the independent chair. There is an active conversation going on at the moment around whether that second independent board member is actually required or otherwise.

MS LEE: In terms of the CIT Woden one, you mentioned that the independent vacancy has now been filled. How long was that vacant?

Mr Edghill: I would have to take the exact time on notice.

MS LEE: Also, is there a board for the Canberra Theatre Centre expansion, and what comprises that board?

Mr Edghill: Yes, certainly. There is not a board, just given the early stage of that project. In the sense of the hospital project, we are well and truly into construction. There is an executive steering committee in place for that theatre, which involves representatives of not just Major Projects Canberra but the Cultural Facilities Corporation, the City Renewal Authority and so forth. There is cross-directorate, executive oversight of that project and I would expect that, as that project continues to ramp up, there will come a point in time where there is benefit in setting up some sort of project board, not dissimilar to what we have in place at the hospital, the CIT and light rail.

MS LEE: Finally, if you can provide on notice the membership of that executive steering committee, how long they have been on that committee and what their roles are?

Mr Edghill: Yes, I would be happy to do so.

MS LEE: Thank you so much for providing that on notice.

THE CHAIR: To conclude with Major Projects, on behalf of the committee I thank the officials from Major Projects Canberra for their attendance today. If witnesses have taken any questions on notice, could you please provide answers to the committee secretary within five working days. We will take a brief suspension and return to hear from the witnesses from Icon Water.

Short suspension.

Appearances:

Icon Water Limited Hezkial, Mr Ray, Managing Director Yau, Ms Joy, Chief Financial Officer

THE CHAIR: We will now hear from officials from Icon Water. Can I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Could our witnesses confirm that they understand the privilege implications of the statement.?

Mr Hezkial: Understood.

THE CHAIR: We will go straight to questions. I understand that there is a sewerage network in west Belconnen and residents have complained about the odour there. They are at least 100 metres away from the sewerage network, and when they first purchased their properties they were told that the vent would be raised and therefore it would prevent the odour. That has been raised. However, it has not solved the issue. They still have bad odour across the neighbourhood. My question is: can the vent be raised even higher or can it be moved further down the network so that residents are not having to address every single day with a bad odour in their yards?

Mr Hezkial: Thank you for the question. I think the Belconnen trunk sewer project aims to resolve those issues. The Belconnen trunk sewer project is a critical piece of infrastructure, particularly for the northern suburbs of Canberra, Belconnen and Gungahlin. What we are really talking about here is something that involves a 2.4-kilometre length of main and has four odour control units attached to it as well. That work is really important in being able to service into the future, particularly with population growth, and will also address those odour issues.

THE CHAIR: Has there been an investigation about the issue?

Mr Hezkial: The Belconnen trunk sewer project is quite a large project. There has been a very detailed environmental impact statement associated with that project, and of course the odour control units are there to address those particular issues.

THE CHAIR: Is that a yes or a no? Have they addressed the issue particularly for west Belconnen and west MacGregor residents?

Mr Hezkial: West MacGregor? I understand that we investigate those issues as they arise. I do not have the details specifically on the west MacGregor odour control unit but we can certainly come back with that. But these odour control units are dispersed across the ACT—they are not uncommon—and in effect they basically work in a very passive way. They are designed to eliminate and reduce those odours.

THE CHAIR: I received a letter from the Chief Minister that Icon Water would discuss odour concerns directly with constituents at the end of October 2020. I am just wondering if you are aware of that investigation which happened in the past and, if so, could you please table the report for the committee to read?

Mr Hezkial: I do not have the details of the actual investigations but, typically, as they arise, they are investigated and we communicate with our customers. I can certainly make that information available following this but I do not have those specific details right here.

THE CHAIR: That would be great, if you can take it on notice for the committee to receive that report, if it was conducted back in 2020, the outcome of it and whether Icon Water actually contacted constituents in west MacGregor about this issue.

Mr Hezkial: I am confident we have, but certainly we will provide that information to you.

MR PETTERSSON: I was hoping you could provide some more information to the committee about the reliable water supply performance indicator. The result for the year was an average disruption of 146 minutes, which is right on the boundary of what is acceptable. What caused that result and are there plans to make it better for future years?

Mr Hezkial: We are always looking for opportunities to improve. Typically our service levels are closely linked to a balance between the cost to deliver the service, the risks associated with the system and the performance levels we are targeting. In effect, those response rates are typically met. They relate to response times to attend and correct a fault, and we are always looking for ways to improve those.

But in terms of specific reasons for that particular performance result, I think there would be a myriad of them and probably a case-by-case basis in terms of how each response evolves. But typically we work well within those targets and we do meet our time frames.

MR PETTERSSON: How many unplanned interruptions were there in the reporting period?

Mr Hezkial: I do not believe I have that information available but if I have a look at interruptions to the system—if you just bear with me—we sort of range in the order of about 400 burst water mains per year. That is unplanned, reactive kind of work. We have somewhere in the order of 3,000-odd sewer blockages that we clear each year. That is also supplemented by the proactive sewer mains cleaning that we do and also any water mains renewal activities that we have as part of our capital works programs.

We try and tackle it from both directions. We try and improve the way we respond to faults as they occur and then we also try and do some preventative maintenance programs to try and reduce those blockage rates.

MR PETTERSSON: Would unplanned interruptions only cover burst water mains and sewer blockages? It would not include upgrades?

Mr Hezkial: No, it would not include upgrades. Typically it involves network faults and emergencies, things of a reactive nature. Yes, a sewer blockage or a burst water main or a leaking water main requires us to shut a segment of the network while we undertake the repair.

MR PETTERSSON: What was the longest unplanned interruption in the reporting period?

Mr Hezkial: I would have to come back to you with that to give you an accurate estimate but it does depend on, obviously, the magnitude of the fault.

MR PETTERSSON: I would love if you could take it on notice. Hopefully you have got the data for this, but I would love the actual data spread of interruptions just across the spectrum.

Mr Hezkial: Case by case or—

MR PETTERSSON: I do not necessarily need nitty gritty details but I would just love to see a breakdown of that spread of durations and times.

Mr Hezkial: Certainly. We can have a look at that.

MR BRADDOCK: Referring to pages 46 and 47 of your report, you have a 38 per cent increase in emissions from natural gas use, which I note is due to the furnace energy inputs being changed over. That still is a considerable increase in emissions which is not offset by a drop in other fuel emissions. Can you please explain what is happening there?

Mr Hezkial: I think what we are aiming to do is obviously reduce our emissions profile in a general sense. Just to give you some context, Icon Water, as a consequence of its operations, probably constitutes somewhere in the order of one per cent of the total ACT emissions. Our attempts in retrofitting the furnace in particular were to make sure that it could run on a dual fuel. Currently it can run on diesel but we have also now upgraded that furnace such that it can also operate with natural gas, which is not a complete solution but it reduces the carbon footprint. That was the intention.

MR BRADDOCK: What is the long-term plan for that furnace? Is it going to keep on operating? Are you aiming to replace it for a zero emissions answer or offset it?

Mr Hezkial: That is an excellent question because it is something we are grappling with at the moment. We have some major projects earmarked. The one for the Molonglo Water Quality Control Centre in particular relates to our solids-handling process at the upstream end of the plant. It includes the furnace. It includes what we call our bioreactors and also our biosolids-handling process.

The work that we are currently doing is investigating options beyond the service life of those elements of the treatment plant, with the view to making sure that we absolutely reduce the emissions footprint. We have obviously got our 2045 target and we have a plan on how to progress towards that target. All these things are currently in train.

If you are looking at the remaining service life of the furnace, the furnace itself probably has somewhere in the order of 10 to 15 years to go. Even though the furnace

is perhaps not ideal from a carbon footprint perspective, it does dramatically reduce landfill and there are benefits currently in using that system. But absolutely, our plan moving forward is to make sure that, as we replace assets, we are improving the way we operate.

MR CAIN: I have a question on the theme of water security. According to the annual report, dam shortages were at 44 per cent two years ago—very close to imposing water restrictions. How can Icon Water ensure water security for 30 years or more?

Mr Hezkial: Thank you for the question. Obviously our water security position at present is much better than it was two years ago. You are right, it did get to 44 per cent. Storages across our system are now at 100 per cent. I think the last time we were at 100 per cent through summer was probably back in 2016.

Our process and our asset management practices have shifted. It was not long ago that we typically took quite a dogmatic, time-based intervention on our asset planning processes. We have since changed the way we do our asset management planning in a couple of key ways. The first one is we take an adaptive planning approach, and what that basically means is we have multiple pathways. We aim to keep options as long as possible, to take advantage of technology, and we understand the triggers required as to when we might need to augment the system. We have identified shortlisted options on what those things are and when we would need to commence. We understand the lead times.

The other thing I will say is we are now starting to look at our system as an integrated system. It used to be that, from an asset management perspective, we would isolate water infrastructure planning from sewer infrastructure planning. Now we are seeing it as much more of a connected system. That is where our asset management practices and philosophy are moving to.

MR CAIN: What new sources of water have Icon planned, given there are no trading arrangements with New South Wales—that is my understanding—and also that the Tantangara transfer option has been sold?

Mr Hezkial: I think the trading option is something that has been progressed within ACT government. As far as we are concerned, we are looking at all options. That includes any options related to recycled water and also includes the integration of sewerage and water systems. It is not to say that we would use sewage for drinking water purposes but there are many opportunities out there where we can see that the use of, say, a recycled water system will reduce pressure on our existing water supply system.

I think the other thing to really point out is there are considerations that extend beyond volume of water. They encompass things that would be already on your radar such as climate change, population distributions and also development patterns within the ACT, whether we are infill or whether we are going out to new greenfield sites. All these things have a bearing on our planning. It is a supply and demand equation. It is not simply just looking at supply.

Fortunately, we are getting more efficient as a city in terms of per capita usage of

water here in the ACT. It has held pretty constant. We are also then trying to influence those behaviours through other means such as education programs like the one called Care for Water which we ran during the drought period. We are looking at it from a behavioural perspective, an integrated system perspective, and an adaptive planning approach to make sure that we get the best result.

MR PETTERSSON: I am sure Alistair Coe, if he is listening, will love this one. The Select Committee on Estimates 2018-19 made a recommendation that Icon Water undertake an independent market appraisal of the value of services provided in the service agreements with ActewAGL. This was agreed in principle by the government. The status of the recommendation is: in progress. I was wondering if the committee could get an update.

Mr Hezkial: Thank you for the question. Of course, our progress on this has been updated regularly on our website and we are well progressed through our procurement activities. I might refer the question to Joy just to give a bit more context.

Ms Yau: I acknowledge the privilege statement. Thank you for the question. Yes, let us update you on that. We have made good progress in that time. Specifically, in March 2019 we set up a project to commence our planning on how we would source the expiry of these service arrangements. Since then, from March 2019 to today, we have had quite significant progress in this space.

There are two service agreements that relate to this. One is the CSA, the corporate services agreement. That has about a dozen services in it, ranging from corporate and ICT services. The other service agreement is the CSCSA, the customer services and community support agreement, and that relates to customer and billing services.

In terms of those services, the key progress update, which you will see on our website, for the ICT finance information management system services is that we have gone out to open market tender. We are currently in negotiation with the preferred tenderers and we are seeking to sign contracts imminently. It would be premature of me to comment further on those.

In terms of the other agreement, the one that relates to customer and billing services, we did a benchmarking exercise as well as a request for information from the market. Following that, we have actually had negotiations with ActewAGL as the incumbent provider and we have successfully secured a signed contract that will go forward from the expiry of the existing one. We will have seamless transition on them.

THE CHAIR: I have one quick question in regard to the water and sewerage upgrade in the Flynn, Charnwood and Melba area. Is it going according to the time line of when it will be finished and since it was first contracted out has there been an increase in the cost of the project due to COVID?

Mr Hezkial: Thank you for the question. We definitely have experienced some delays as a consequence of COVID. Most of those delays have arisen due to specialist contractors, particularly during lockdown periods, not being able to come into the ACT. That work has now resumed.

Costs are currently being reassessed but we still are in the order of magnitude of \$27 million at completion, which was the original cost. There might be variance on that slightly. The target completion date is December this year.

THE CHAIR: We will conclude this session. On behalf of the committee I thank the officials from Icon Water for their attendance today. If witnesses have taken any questions on notice could you please provide answers to the committee secretary within five working days. We will take a brief suspension and return to hear from the Independent Competition and Regulatory Commission.

Short suspension.

Appearances:

Independent Competition and Regulatory Commission

Dimasi, Mr Joe, Senior Commissioner, Public Authorities and Territory Owned Corporations

Phillips, Mr Lachlan, Deputy Chief Executive Officer, Public Authorities and Territory Owned Corporations

THE CHAIR: We will hear from the Treasurer and officials from the Independent Competition and Regulatory Commission. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw their attention to the privileges statement. Could all witnesses confirm their name and the capacity in which they appear today for the record and that they understand the privilege implications of the statement.

Mr Dimasi: Yes, good morning. I have read the statement and I do understand it.

Mr Phillips: I have also read and understood the privilege statement.

THE CHAIR: Thank you, Mr Phillips. We will move on to questions. I will pass on my questions to Mr Cain, in the interest of time—only 15 minutes.

MR CAIN: I have a question about community service obligations and how many community service obligations currently exist across the ACT's various utilities.

Mr Dimasi: Look, I am not sure I can give you a number. We produce a report each year where we have guaranteed service levels from those utilities. The utilities are required to perform against those guaranteed service levels. Now, they are requirements that are imposed from us and they are quality-of-service standards, effectively.

MR CAIN: So Mr Dimasi, could you take on notice how many there are, because I do have some follow-up questions.

Mr Dimasi: Sure, I am happy to do that. I was just going to make the point that community service obligations go beyond, though, the role of the ICRC. There are a whole bunch of CSOs that are applied which we do not have responsibility for. So I am just trying to understand the limit of your question.

MR CAIN: That is okay. Well, as much as you have knowledge of, and you could perhaps point me in the right direction.

Mr Dimasi: Yes.

MR CAIN: I have a supplementary question on that. It is my understanding that about three quarters of the electricity used in the ACT is from fossil fuel sources. Given that the government's 100 per cent renewable program has added to the cost of the provision of electricity, is this reported as a community service obligation?

Mr Dimasi: Not that I am aware of. Again, that is not something that is relevant to us.

Whether it is a community service obligation or not, I do not know. The only observation I would make is that, of course, the way the electricity market works is that all electricity, from whatever source, is pooled together and you cannot separate the electrons. As I understand it, the government's commitment is to ensure that at least 100 per cent of the usage of electricity by the ACT is covered by electricity that is generated with renewables. That does not mean that that electron necessarily gets to the ACT. That is in there, but the contracts that they have in place cover the load, if you like, of consumption within the ACT. But that is now starting to get into a broader policy question that is beyond the responsibility of the ICRC.

MR CAIN: Just a final supplementary question to that point. Are you aware whether Evo is required by legislation to recover the additional costs from consumers of our 100 per cent renewable grid?

Mr Dimasi: The way the scheme works is that there are contracts in place and the costs of those contracts or the benefits from those contracts—because it can go both ways—are recovered through the network charges. That is decided by the AER, the Australian Energy Regulator, not by us.

And the network operator, Evo, reflects the costs that are passed on to it by the AER and they are then, in turn, passed on to us. We pass that on through retail charges or, if there are savings, as there have been in past years, we pass on those savings. So it can work both ways. As you pointed out, in last year's prices there were significant costs, and they were recovered through the network charges. Yes.

MR CAIN: So there is no community service obligation built into the administration of that renewable—

Mr Dimasi: Not that I am aware of. No.

MR PETTERSSON: I was wondering if you could give the committee some more information about the ACT Electricity Transparency and Comparability Code. Are you monitoring the implementation of it?

Mr Dimasi: Absolutely. Yes. We put together the code at the requirement of the government. The code has three elements to it. There is a reference to price obligation, which requires retailers to make any comparison that they offer in the market to the reference price, or the reference bill, so that there is a standardised offer. They cannot just decide it is 25 per cent off whatever you like; there is a common reference point. So that obligation is in the code.

There is a better-offer obligation on the retailers, if they know that the consumers can do better, to make sure that the consumers are alerted to that option. They need to alert them to that. That comes into place later this year, and the reason that that comes into place later this year is because in the ACT there is not widespread usage yet of smart meters so there was a bit of time needed for the retailers, as they submitted to us, to get their systems in place. We gave them a little bit of leeway to put that in place and to get that done.

And there is a clear advice obligation. The retailers are required to ensure that the

advice they give to consumers is clear and understandable and that it is not confusing. So, yes, we have developed a guideline. We are monitoring it. And we are preparing ourselves to ensure that those requirements are met. If there is any enforcement necessary, we will be undertaking that. We are in the early stages of doing that because it has only just come into place. The retailers are putting their systems in place. But very definitely, monitoring how that is going—and enforcing it, if need be—will be part of the job.

MR PETTERSSON: When I said "monitoring", I was not necessarily so focused on the compliance, whilst important. I was more interested in monitoring the effect that this code would have.

Mr Dimasi: That is a good question, and that is something we will think about, in conjunction, I guess, with the policymakers here, as to what benefits it is providing, and how it is working. So, yes, that is something that we have in our minds, particularly as the AER is also developing a better bills code. That better bills code looks like it is largely consistent, but there might be some overlaps; there might be some inconsistencies. So that is also something that we will certainly be looking at and we will be thinking about how all of it works.

We will be providing whatever thoughts we have to government on that as these things are in place. One of the objectives here has been to ensure that consumers get the benefit of a more transparent market for them to be able to make their choices, but to do that without increasing costs, as far as possible, to the retailers, which are then passed on to consumers. So, we are trying to find that balance. That is what we are trying to do here.

MR PETTERSSON: Thanks.

MR BRADDOCK: I have a question about the consumer protection code that came into effect on 1 July. I am trying to find any information on how that has gone. Are you able to provide an update?

Mr Dimasi: Yes. We do a report, which is due out in April this year. The last one was out last April. We are in the process of collating information for that report just now, which will give the information and data on how that is going and the guaranteed service levels—to what extent they have been met or breached—and what payments have been made to consumers. Those are now required to be automatic, as opposed to what happened in the past. Our plan, subject to all the other constraints and work pressures is that we will have a report out in April with that information.

MR BRADDOCK: Thank you.

THE CHAIR: We would have had time for questions in the other session. On behalf of the committee, I thank the Treasurer and officials from Treasury and the ICRC for their attendance today. If witnesses have taken any questions on notice, could you please provide answers to the committee's secretary within five working days. We will now adjourn. Thank you, all.

The committee adjourned at 12.11 pm.