



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

STANDING COMMITTEE ON PUBLIC ACCOUNTS

(Reference: [Inquiry into Annual and Financial Reports 2021-2022](#))

Members:

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

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 2 NOVEMBER 2022

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

By authority of the Legislative Assembly for the Australian Capital Territory

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

APPEARANCES

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Amended 20 May 2013

The committee met at 9.15 am.

Appearances

ACT Audit Office

Harris, Mr Michael, Auditor-General

Stanton, Mr Brett, Assistant Auditor-General, Performance Audit

THE CHAIR: Good morning, and welcome to the public hearing of the Standing Committee on Public Accounts for the inquiry into annual and financial reports 2021-22. This morning the committee will be hearing evidence from the ACT Audit Office and the Office of the Legislative Assembly.

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

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 webstreamed live. When taking a question on notice, it would be useful if witnesses used these words: "I will take that as a question taken on notice." This will help the committee and witnesses to confirm questions taken on notice from the transcript.

In this session we will be speaking to the ACT Auditor-General and the ACT Audit Office. Welcome, Mr Harris and officials. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Could you confirm for the record that you understand the privilege implications of the statement?

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

THE CHAIR: Thank you. As we are not inviting opening statements, we will now proceed to questions. In the past few years you have released several reports based on procurement and probity concerns, some of those being: *Campbell Primary School Modernisation Project Procurement*, *Procurement Exemptions and Value for Money* and, most recently, *Procurement and contracting activities for the Acton Waterfront Project*. Auditor-General, what consistent themes are coming out of these procurement-based reports?

Mr Harris: I think the most consistent theme, Chair, is a lack of understanding of the guidelines, policies and procedures that have been issued in relation to procurement, and which should be followed in relation to procurement, which has led to less than optimal outcomes in each of the cases that you just cited. Indeed, we have one performance audit and one information report very shortly coming to you in relation to procurement matters which highlight the same issues.

I think it is fair to say that, across the ACT public sector in general, there is a lack of expertise, on the one hand, or awareness of, on the other hand, the appropriate policies

and practices that should be followed in order to get good procurement outcomes. Procurement ACT and the Government Procurement Board have a raft of policies and procedures in place, and if they are followed good procurement outcomes will be obtained.

I think part of the issue here is the lack of frequency with which some officers in the ACT public sector undertake procurement. They do not do it that often and they do not do large ones that often, with the exception of Major Projects and the larger departments. As a consequence, those policies and procedures are not followed in the way in which they should be.

THE CHAIR: Having said that, Mr Harris, do you think the culture of procurement in the ACT public service is an unhealthy one?

Mr Harris: I do not have sufficient evidence yet to say unhealthy. I would say a lack of expertise, lack of practice, unawareness, in some cases even naivety, I suspect, are coming into play: not asking the questions you should ask, and having a lack of awareness of the policies and procedures that are there. It does differ across the sector. Organisations like Major Projects, who do large and complex procurements frequently, have solid procedures, solid processes, and by and large get good outcomes.

The smaller agencies seem to be where the problem is. Having said that, Campbell Primary School was a case of a major, relatively complex project which did go wrong, again, because the policies and procedures were not followed. We have made a number of recommendations through those reports—and the next ones that are coming will make recommendations along similar lines—which will attempt to strengthen those processes.

THE CHAIR: Thank you.

MR CAIN: Aside from the recommendations in these reports, what does the government need to do to resolve these systematic issues?

Mr Harris: I think there are gaps in the legislation. There are responsibility boundaries at the present time. For example, directorates and directors-general are, quite rightly, responsible, under the Financial Management Act, for the expenditure of appropriations under their control. With that comes decision-making power.

The role of the Government Procurement Board is somewhat complex in this area in that there are requirements for projects to be listed in public documents, for example. There are requirements to seek advice and guidance from the Government Procurement Board. But at the end of the day there is no mandatory responsibility to necessarily follow the advice of the Government Procurement Board. I am yet to determine, in my mind, what the solution to that issue is. But it is my opinion that if you chose not to follow the advice of the Government Procurement Board, the very least you should do is document the reasons why you do not. And that is not the case at the present time. I think that is one area where recommendations in the future might seek to strengthen those processes and procedures.

MR CAIN: Are you able to indicate either the subject or even the character of the

upcoming performance audit and information report?

Mr Harris: Yes, I can. The performance audit that is underway at the present time is in relation to the processes and practices of the Government Procurement Board itself, and with particular reference to the activities at CIT as a case study, if you like. That, in effect, is the methodology that I have adopted in order to report back to the Assembly in relation to correspondence I had from the Assembly earlier on. But it is also, in part, to try and bring together the various threads that have come up in our procurement audits that you just described, Chair.

MR CAIN: Thank you.

THE CHAIR: Mr Harris, if you could please take as a question on notice the gaps in the legislation that you mentioned earlier, that would be most appreciated. I would like to go into it now, but, considering the time, I will pass on—

Mr Harris: I cannot take it as a question on notice, I do not think, Chair, because I have not formalised my views on where those gaps are. Those views will come out of the performance audit that we are currently doing in relation to the Government Procurement Board. When I get to the end of that audit, the public accounts committee and the Assembly will have a set of recommendations that describe what I think those gaps are and what I think might be the recommendations that will plug those gaps.

THE CHAIR: That is great. Thank you, Mr Harris.

MR PETTERSSON: The annual report alludes to vacancies and issues with finding suitable candidates for them. Are these hiring issues ongoing?

Mr Harris: Yes, they are. I continue to lose good staff who are being offered opportunities in other places. Recently, just last week, another one took another opportunity. RJ has a constant battle with retaining staff and finding new staff. It is not that we do not have good working conditions and all of the rest of the things that go with that. It is just that qualified audit staff are in high demand across many sectors at the present time, not just auditing sectors. Financial auditors, as you would appreciate, are very good at financial management and financial accounting and there is a dearth of good financial accountants around the place as well.

One of the downsides of having good audit staff is that when you send them out to agencies to audit agencies' financial statements, agencies suddenly discover that they are a very good financial accountant and all of a sudden I am down one auditor. That is an ongoing problem not just for me but for every audit office across the country and, indeed, across the Tasman, in New Zealand, where I currently have two auditors on secondment.

MR PETTERSSON: As of today, how many vacancies are there in the Audit Office?

Mr Harris: As of today, I have one in performance audit and I have got three, I think, in financial audit.

MR PETTERSSON: And is the Audit Office doing anything to try and improve that?

Mr Harris: Yes. We have put a lot of effort into conversations with recruitment companies on how we might change the way we approach the market, in order to make our offering a little more tantalising than perhaps it is considered to be so far. We are looking at ways of engaging a broader range of areas to advertise in, to try and find staff. We are a little restricted in finding graduate staff because the big firms and my good friend the commonwealth Auditor-General get first dibs at graduates coming out of university. We are also engaging staff remotely. We have two currently working in New South Wales and one in Tasmania. That is becoming more common across audit offices as well.

MR PETTERSSON: Thank you.

MR BRADDOCK: In the last annual report there were issues with the financial statements and the audit of those financial statements. I was hoping you could give me an assurance that this year's financial statements are fully accurate.

Mr Harris: I can give you that assurance, Mr Braddock. Absolutely, 100 per cent, I can give you that assurance. The issues have been dealt with. We had a very rigorous process this year, including much closer involvement from our audit and risk committee, to ensure that the statements are accurate and correct. There will be no corrigendum this year.

MR BRADDOCK: Thank you.

MR CAIN: Regarding the Acton waterfront project, how did this project first come to your attention as an issue to investigate?

Mr Harris: The very first point of contact was actually from the Lake Burley Griffin Guardians, who wrote to me under the public interest disclosure legislation to make a representation. Their concern at the time was what they described as a lack of adequate consultation between the project developers and the government departments, on behalf of the government, with the guardians in particular but more broadly in relation to how the contract was put together and what the impacts might be, and the various negotiations that went on. That was when it first came to my attention, and that was about two years ago.

MR CAIN: Thank you. Regarding this project, how much do you think the government's approach has actually cost ACT taxpayers?

Mr Harris: That is almost an impossible question to answer, Mr Cain. The difficulty in answering the question lies in the very poor way in which the Land Development Authority, who originally instigated this project, put the project to market. It is almost impossible to understand what project they actually had in mind when they went to market. As a consequence, it is almost impossible to come to a view about what a reasonable cost estimate would have been for that project.

As you will know from the report, the description of the project changed multiple times, the amounts of the contract changed multiple times in both directions—up and down—and there was, as the report says, almost a complete lack of adequate description and

adequate contemplation of what the project actually was. I suspect that what we are now seeing is a reasonably accurate reflection of a price for the project we have actually got.

MR CAIN: Do you think the Acton waterfront project procurement contracting lacked probity?

Mr Harris: If you describe the way in which the Land Development Authority went about the work that they were doing initially, I do not think they had a reasonable understanding of what project they actually wanted to deliver. I do not believe they did sufficient work to understand what it would cost and I do not believe they did sufficient work to adequately approach the market in order to get a transparent and fair result.

MR CAIN: Thank you.

Mr Harris: I would add that Major Projects and the City Renewal Authority have done a far better job of trying to manage that contract since they took it over.

THE CHAIR: Thank you. Just a follow-up question there: what time frame do you believe the recommendations from the report need to be actioned by to be effective?

Mr Harris: I think they need to be actioned relatively quickly. I see no reason why they could not be actioned immediately. They go to fundamental questions of governance and due diligence.

THE CHAIR: Okay. Great. Thank you.

MR PETTERSSON: The 2022 staff survey showed that 97 per cent of staff agreed with the statement: “The office is honest and ethical in its business practices.” Do you have any idea what the other three per cent said?

Mr Harris: No, I do not know what the other three per cent said, Mr Pettersson. I do not know that we actually record direct answers. Mr Stanton has got an answer to that question.

Mr Stanton: I also have a role as the SERBIR for the organisation. Through the executive committee, I take the results of the annual survey and I prepare reports. I do two reports for our audit review committee each year. The first report covers off on the survey results. Almost invariably, we do not receive any free text comments to explain that particular result. So we are somewhat in the dark in relation to what might drive that three per cent, which is probably one person.

THE CHAIR: Mr Stanton, can you please just acknowledge the privilege statement?

Mr Stanton: Thank you, Chair. I have read the statement and I acknowledge it.

THE CHAIR: Thank you.

MR PETTERSSON: Has that question been asked in previous staff surveys?

Mr Harris: Yes. It is a constant question.

MR PETTERSSON: Does anyone know, off the top of their head, what that result has been in the previous years?

Mr Harris: It is pretty high; I do not know that there is very much—

Mr Stanton: It would appear that there is one staff member in any given year that might say that—maybe two in one year. It is very low, the negative response to that question.

MR PETTERSSON: The 97 per cent is a very impressive number. It was more curiosity about the three per cent. Thank you.

MR BRADDOCK: You mentioned in the performance review the satisfaction of auditees. I am just interested in the use of that as performance manager. Firstly, when was the last time you might have had a poor or unsatisfactory response? Secondly, is it possible that an auditee might actually be satisfied with a substandard audit because it failed to find the embarrassing things that might be hiding underneath that? Thirdly, have you looked at other measures to determine whether an audit is actually satisfactory or not?

Mr Harris: I will deal with question 2 first. I do not believe we do substandard audits, Mr Braddock. I suppose it is possible. In terms of question 1, I have never been comfortable with this measure, to be perfectly honest with you. I find it a little ironic that you ask somebody who has no choice about accepting your services whether or not they are satisfied with those services. I suspect you are asking them an almost impossible question.

I think there has got to be a better measure. I have not found one yet, but we are working on a different measure. We do get varying comments back from auditees. What we try to do with our audits, both financial and performance, is keep a very clear and close dialogue going with the auditees so that if there are issues coming up, particularly in performance audit, we tease those issues out and we have conversations with the auditee about what the issues are, in order to address them as we go along.

I think that is partly why we get such good results in our satisfaction surveys when we ask that question. If you look at the written comments that come back from directors-general, by and large they refer to that engagement and that dialogue as the major reason why they are satisfied with the way the audit has been conducted.

In terms of recommendations and the satisfaction or otherwise with recommendations, if there is dissatisfaction with the recommendations it is reflected in comments, which we generally include in the performance audit reports and the management reports on the financial audit side. That is fair. That is the best way of expressing it. But the measure itself—I do not know that it adds a great deal.

MR BRADDOCK: You mentioned replacing that with a new and improved measure. What would that be likely to be and when would that be likely to commence?

Mr Harris: I do not know the answer to that. I have not found a better one yet. When

we do, it will be probably a two-year transition cycle. We cannot just drop one and then start another. We have got to basically transition through. I have asked the team to work on it. We will try and find a better one. It may be that we have got to keep that one and add something else that perhaps teases the issue out a little better.

MR BRADDOCK: Thank you.

MR CAIN: I want to go a bit further on the Acton project report. CRA picked up the project, I think, in July 2017. You recommended that the merits of the contract be reviewed, but CRA did not do so; nor did it seek new tenders. The Chief Minister recently, in question time, said he believed that the authority did, in fact, do those things. What are your thoughts on that statement? Do you agree with it?

Mr Harris: I have no evidence that tells me that there was sufficient due diligence done in relation to the status of that contract when it was taken over. We, during the audit, found no evidence that suggested that that was the case, which is why I made the recommendation that I did.

MR CAIN: I guess I am reflecting on CRA's management, because you had kind of endorsed them and Major Projects for their experience in building and managing large projects. But obviously this indicates, at least from your point of view, a failure to manage that significant project from inception, really.

Mr Harris: Well, yes, it does. To be fair to the CRA—and I have made this point before—at that particular point in time they did not have all of their people in place. They were taking over a fairly disrupted area of activity from the fallout of the disbanding of the LDA and the creation of the two new authorities, so there was a fair amount of reorganisation going on at the time. It is possible that, in that circumstance, this one slipped under the radar. My personal view is that a greater degree of due diligence and assessment of the status of that contract should have been undertaken at the time, and I did not find evidence that satisfied me that such a sufficient piece of due diligence had been done.

MR CAIN: Thank you. Regarding the Parkwood report that you issued in—

Mr Harris: Sorry?

MR CAIN: The Parkwood report, the government's arrangements for Parkwood.

Mr Harris: Yes.

MR CAIN: What responses have you had to that report, particularly from the government?

Mr Stanton: We have not received any response from the government in relation to that report. When the government does prepare its response, which is, I believe, within the four-month period of the audit tabling, that typically goes through another process but we are not directly copied into that.

MR CAIN: That would be due the end of this month, I am assuming?

Mr Harris: Yes.

Mr Stanton: October. Late October.

Mr Harris: We are done with October. November.

Mr Stanton: If the audit was tabled in June—

MR CAIN: Yes, 29 June, so I am assuming the end of this month, the end of November.

Mr Stanton: Yes.

MR CAIN: Does the government give you any sort of interim response or holding response?

Mr Stanton: No.

MR CAIN: What feedback have you had from other organisations that you are able to share?

Mr Harris: To the best of my knowledge, we have not had any feedback at this point in time from any organisation involved, although circumstances have changed a little bit since the report was tabled. The border issue, I should say, now seems to have been resolved, which is a positive outcome.

MR CAIN: Resolved?

Mr Harris: There seems to be agreement now from New South Wales to move the border in order to accommodate the development.

MR CAIN: Although we have not heard from the commonwealth yet, which, obviously, is a significant party.

Mr Harris: No. That is true.

MR CAIN: Thank you.

THE CHAIR: We now draw this session to a close. On behalf of the committee, I thank the ACT Auditor-General and officials 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 the Office of the Legislative Assembly. Many thanks.

Mr Harris: Thank you.

Short suspension.

Appearances:

Burch, Ms Joy, Speaker, Legislative Assembly for the ACT

Office of the Legislative Assembly

Duncan, Mr Tom, Clerk

Skinner, Mr David, Senior Director, Office of the Clerk

Turner, Ms Rachel, Executive Manager, Business Support Branch

THE CHAIR: In this session we will be speaking to the Speaker and the Office of the Legislative Assembly. Welcome, Madam Speaker and officials. 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 webstreamed live. When taking a question on notice, it would be useful if witnesses used these words: “I will take that as a question taken on notice.” This will help the committee and witnesses to confirm questions taken on notice from the transcript.

I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Could you confirm for the record that you understand the privilege implications of the statement.

Ms Burch: Yes; thank you, Chair.

THE CHAIR: Thank you. As we are not inviting opening statements, we will now proceed to questions. What steps is the Assembly currently undertaking in pursuing the stop work notice given by WorkSafe ACT on 15 August to the Assembly over COVID-19 safety precautions?

Ms Burch: What is the Assembly doing?

THE CHAIR: Yes.

Ms Burch: Well, the notice has been—

THE CHAIR: No, in pursuing the stop work notice given.

Ms Burch: Clerk.

THE CHAIR: Let me just clarify. You expressed in your submission to the Select Committee on Privileges 2022, at page 4:

... there is every likelihood that it is ‘beyond power’ for the Work Health and Safety Commissioner ... or an inspector of Worksafe ACT, to use a power prescribed under the WHS Act to put a stop to a proceeding of an Assembly committee.

That is corroborated by two senior barristers, Bret Walker SC and Jackson Wherrett, who are reported to have said that the notice was not legally valid as WorkSafe ACT does not have jurisdictional power over the territory’s parliament. Is it the view of the

Assembly that the watchdog's prohibition notice was in breach of parliamentary privileges? I suppose that is where I was going with that first question.

Ms Burch: The Clerk could have something more to say, but I am reluctant to go into detail because the matter is still before privileges. I think my submission outlined our concerns and certainly put forward our position very clearly that that was our belief. Clerk, did you want to add anything to that?

Mr Duncan: I acknowledge and agree to the privilege statement, Madam Chair. We both gave submissions to the privileges committee, and that is where the matter is. We are both of the view that the action could be considered by the privileges committee to be a breach of privilege. In fact, all of the evidence that has been given before that committee indicates that. I have not seen too much evidence that says it was not a breach of privilege. But, again, it is a matter for the privileges committee to determine. I think we are waiting for the outcome of that privileges committee report to talk about further steps and we will wait for the recommendations of that committee before we decide what further action we would undertake.

THE CHAIR: Okay. Thank you. You described WorkSafe's prohibition notice as significant for its potential impacts on the operation of responsible government and the separation of powers. I turn your attention to the Work, Health and Safety Amendment Bill 2022, presented by the Chief Minister, that proposes to make explicit that all work of the members and officers of the parliament be undertaken within the Work Health and Safety Act 2011. Will this bill enable the act to operate in such a way as to "cast aside the powers, privilege or immunity of the Assembly, its committees or its members"?

Ms Burch: Again, I would like to follow that discussion but leave the matter before privileges because some of these matters are still under active consideration. In reference to the amendment bill presented by the Chief Minister, there are two things that, again, go back to our submission. Following incidents in the commonwealth, they made some express changes within their Work Health and Safety Act that very clearly set out that, in a workplace, individual employers, PCBUs—which the office is and which MLAs are; the three sitting in front—have obligations under work safety. Therefore, the act is covered. Separately to that, when we were appearing before the privileges committee I made reference to an amendment that I would like to see that sits harmoniously with that, which says, "We have a responsibility to WorkSafe but they cannot be an impediment to the proceedings of a parliament." Tom, do you want to talk more to that?

Mr Duncan: Madam Speaker has flagged that she will be moving an amendment to that bill. But that bill, as I understand it, is still before a committee. I am not sure whether that committee has decided to undertake an inquiry into that bill or not. Certainly, it is our view that the executive cannot shut down the parliament. That is why we have privilege. If we do not have privilege, we are pretty much the equivalent of a town council. I think that is why privilege is so important.

Madam Speaker will move that amendment, I understand, in the Assembly, and then it is up to the Assembly as to whether it wants to consider that amendment. But the amendment effectively says that nothing in the amendment bill proposed by the Chief

Minister would affect the privileges of the Assembly. That is our view.

Ms Burch: I might ask Ms Turner to talk on our current, existing—which always have been—obligations and responsibility for worker safety here in the Assembly. Each MLA is an employing unit—what they call a PCBU. The office and the executive have responsibilities. We have structured our work safety committee to reflect and clearly articulate where we sit with employers’ and workers’ responsibility. Maybe you can take the committee through membership of that WHS committee and some of the functions and oversight that it has?

Ms Turner: I have read and I acknowledge the privilege statement. Madam Chair, regarding the amendment to legislation that the commonwealth has made, which the Chief Minister has now proposed, we have already been operating like that within the Assembly. It is just that the legal advice said that members may be considered PCBUs, so the amendment goes to clarifying that, consistent with how the commonwealth have clarified theirs. With 25 members and the Clerk, that is how we operate as PCBUs. We have the Work Health and Safety Committee, where each PCBU is represented by a staff member. There are management reps and there are reps that are elected by the staff, and then we have two representatives elected by OLA. We meet quarterly.

Ms Burch: And union reps on there as well?

Ms Turner: There is a union representative there also, yes. We meet quarterly. They have been considering the COVID plan as we have gone along, and all other WHS risks that may present in the Assembly.

MR CAIN: The privileges committee had public hearings coming up on 24 and 25 October. The Chief Minister nonetheless presented his bill on 20 October. The report from the privileges committee is due on the last sitting day this year. Do you think that the Chief Minister’s bill is poorly timed, given that there is an ongoing inquiry into a very significant matter?

Ms Burch: I would choose not to make comment on that. It is up to the Chief Minister when he chooses to bring amendment bills in.

MR CAIN: Do you think the Chief Minister’s bill is in conflict with the stated objective of OLA to “support the Assembly as a democratic institution”?

Ms Burch: I do not believe so. As I have said in my submission, I made reference to a pair of amendments, so to speak. One was clearly articulating a practice of a number of years that we do have respect and regard to workers rights but also to clarify the privilege of parliament and that that cannot be impeded by an act of an arm of government. I am very reluctant to continue, because it is still a matter in front of privileges.

MR CAIN: Very quickly, when do you expect to present your amendment to the Chief Minister’s bill?

Ms Burch: It is automatically referred to a committee. I do not know if the committee is going to look at it or not and I do not know when it will come back in, but if an

opportunity presents I will certainly seek leave of the parliament and seek the consideration of the Assembly to bring that amendment in.

MR CAIN: This year or next?

Ms Burch: I would hope to have it in this year.

MR PETTERSON: Can the committee get an update on the office's implementation of the Laing review?

Mr Duncan: Yes. There is a table that I have been compiling, which was just updated last week, of all the recommendations that came from the Laing review. The majority of the recommendations, I think, are in place. A lot of the review went to the structure of the committee office, and you will see that structure in place now, with a committee secretary and two assistant secretaries or research officers associated with each committee. We received an appropriation for an increase in funding for the committee office, to 15 staff. Unfortunately, we have not recruited to the 15 staff. I notice that there was an earlier question about skills shortages and staff shortages. I think we are still two short of that 15 target, but we are actively recruiting to try and fill those committee positions.

We have done some preliminary work in updating the committee support manual, which was one of the key recommendations of the Laing review. There is a statement of expectations that we are currently progressing about what committee members can expect from the office in terms of committee support. So we are tracking through those recommendations. I would be happy to provide that table to the committee. I have been keeping the admin and procedures committee informed about our progress, but I am more than happy to give that information to this committee as well, if that is of use.

MR PETTERSON: Wonderful. It works for me. Thank you.

MR BRADDOCK: Just coming back to workplace health and safety, could you please advise what, if any, changes to workplace health and safety arrangements have there been in OLA, following on from the WorkSafe prohibition notice earlier this year?

Ms Burch: As in: have we changed any of our practices?

MR BRADDOCK: Any practices or physical changes?

Ms Burch: The COVID-safe plan has been an ever-changing plan since early 2020. There is an updated plan that Mr Skinner has provided to me, and I have asked the admin and procedure committee to go into their party rooms so that we can look at that. That is recognising where we are in the ACT response, and what restrictions are and are not in place. Also, I am just seeking feedback on room limits. For example, there is no requirement to have room max limits, but I maintained them while we transitioned through. So it is those updated changes that are being considered at the moment.

Mr Skinner: I have read the privilege statement and understand the implications of that statement. Madam Speaker has just circulated draft version 1.9—I think it is—of that COVID plan, which has some fairly significant changes to risk assessments in the

document, which is probably something that you are alluding to in your question. It recognises that there has been a reduction in community transmission since earlier in the year, and particularly over the winter months, and that there was the removal of certain public health directions on 14 October.

There is a proposal in some of those assessments to look at what treatments and internal controls ought to apply to make sure that we still have a COVID-safe environment but one that may provide an opportunity to do more of our business in the way that we have customarily done it. One of the proposals that I think the Speaker has put to the admin and procedure committee, and that will go then to the health and safety committee after admin and procedure have considered it, is around what happens to things like room limits. There was another proposition, Madam Speaker, around touchpoint cleaning and the utility of that as the virus community transmission goes down.

Having said all of that, there needs to be a recognition that we could see further spikes and increases in community transmission or the severity and virulence of the virus as time goes on. I think the office and members' offices need to be ready to step those controls up or down, depending on what that public health situation looks like at any one time. I think that is something that the COVID plan has been trying to grapple with as things go up and down.

It has also been important to use that process of talking to members through the administration and procedure committee and the health and safety committee to gauge their views. Sometimes there are different views about what is a fair thing or a good thing or a good control to put in place, but the plan has been an opportunity to consult on something that is reasonably concrete, to think about what the appropriate responses are and then to reflect them in the broader workplace.

MR BRADDOCK: Does that align with what the ACT public service is doing. If there are any discrepancies or differences, what are those?

Ms Burch: I am not quite sure what happens over the road, in their office. I know that they are still highly motivated to have a safe practice. I understand that there are reasonable levels of working from home in place. I recently put out a note to this building saying that, whilst there is no direction for isolation, I would expect every MLA or staff member that has tested positive to COVID to take advantage of the working from home arrangements offered through here and not to come into the precinct. I cannot direct a PCBU—either one of you. If you want to have a mobile office and it is necessary to have a worker with you then that is a matter for you to decide and for you, as a PCBU, to have regard for your work safety. That was behind a recent email that went out.

Mr Skinner: I was just going to add: I think the approach that has generally been adopted is, as much as possible, to stay as close to what the whole of the public sector are doing. A lot of really good resources have been prepared through whole-of-government efforts and there are really detailed policy guidance and risk management tools. We have found them useful, rather than reinventing the wheel. There have been occasions where, due to the fact that there are 26 PCBUs—rather than much more of a command and control style organisation, where a director-general or a chief executive or somebody else can issue what amount to directions across the whole

workplace—we have had to balance the fact that PCBUs themselves may have different arrangements at their localised workplace.

The Speaker, under the precincts act, has a set of powers to talk about entry and exit from the building and what circumstances might apply in public areas and so on. One area where the Speaker does not have direct power under the precincts act is to stop members from coming in and out. That is something that the precincts act does not recognise. But there is still a duty of care for the Speaker and the Clerk to make sure that, as a general workplace, there is a safe working environment. The other thing is that there are also 24 members, plus the Speaker, who have that duty. So it has always been about balancing those separate and different prerogatives and seeing how they can all be unified into something that is coherent and makes sense to everyone, and that everyone agrees with.

I do recall that, at one point, when there were some changes in mask-wearing arrangements, the administration and procedure committee took a slightly different view to the rest of government. I think it was when mask-wearing requirements were mandated as a public health measure. The administration and procedure committee, I think, took the view that it should stick with what the public health directions were, rather than what the rest of the public sector might have been saying across its workplaces. That was a discussion, I seem to recall, that differed to the one that might have been happening elsewhere.

Again, these are not decisions that are made individually by the Clerk or the Speaker or anyone in the office. There is a degree of shared responsibility and overlap of duties under the act.

MR BRADDOCK: Thank you.

MR CAIN: I make reference to pages 50 and 51 of the annual report. You reference an audit by RSM of your compliance with the Work Health and Safety Act 2011. There are four key recommendations. Could you advise on the progress of implementation of their recommendations and how much of that implementation has been affected by the prohibition notice issue?

Ms Burch: Rachel.

Ms Turner: Thank you for your question. Recommendations 1, 2 and 3 have been completed. Recommendation 4 is in regard to developing guidance for members, as PCBUs. We have prepared that material, but it is quite costly to develop online training, so we are holding that, just to see if there are any recommendations or insights that come out of the privileges committee that we might include in the development of that training. We would anticipate having that ready for members early in the new year.

MR CAIN: And that would be impacted, no doubt, by the prohibition notice issue?

Ms Turner: I do not think the prohibition notice has affected that particular piece of work. It was a recommendation and an audit done before the prohibition notice. Certainly, the prohibition notice has brought work health and safety to the forefront in the Assembly precinct at the moment. We are certainly seeing greater engagement in

the Work Health and Safety Committee, going to Mr Braddock's question earlier. People are engaging more. But, certainly, that work was well underway. Recommendations 1, 2 and 3 were completed, and 4 will be available shortly.

MR CAIN: Okay. This year, you mean?

Ms Turner: I think it will be early next year. We could have done it this year, but I think it will be early next year, to be realistic.

MR CAIN: Okay. Thank you. Page 6 notes that substantial progress has been made on digital transformation. Could you elaborate on the more significant steps that have been taken in that direction?

Mr Row: I have read and understand the privilege statement. What we have achieved so far is that we have got the committees module live, and the website component of that will be going live, hopefully, by the end of this year. The questions module is deployed. The online database on the website is up. The petitions module is now live, and the broadcasting and livestreaming is also now live.

Next off the block we have got the Hansard module. We are having a look at that now, comparing the off-the-shelf software to our needs and working out what that is going to cost. After that, probably the next step is to replace the software that we currently use to produce all of the paperwork for each sitting day. So that will be quite some months of work, going into next year.

MR CAIN: For this sort of project, particularly for, say, the Hansard one, which is obviously a very public-facing part of the Assembly, are you doing any stakeholder engagement with groups or organisations that have offered submissions on what would meet the needs of the community?

Mr Duncan: I might just chime in there and Stuart can add in. No, Mr Cain. We do have a contract with an external provider. You may be aware of the Hansard arrangement. We record the proceedings and we send that off to an external provider who transcribes it for us. That contract ended, I think, this year and we have extended it until April next year.

In terms of looking at whether we go to tender again, we looked at the possibility of whether we could caption the Assembly proceedings because we thought, particularly with Auslan inquiries going on with other committees, that that was a desired need. So I think we identified the need ourselves, without going to stakeholders. Over the years, various people have identified to us that captions would be a good development for the Assembly. A lot of other parliaments are doing the same sort of work to ensure that it is done. So we have not gone to stakeholders, but we are aware that we need to enhance the product to try and address a particular need.

MR CAIN: OLA is servicing the community with vital information about its representatives. Is there value in getting some sort of engagement from outside this Assembly and your provider?

Mr Duncan: It is something we could look at, Mr Cain, yes. As I said, I think we have

identified that there is a gap in terms of the accessibility component of the Hansard proceedings, but, yes, we can certainly take that on board.

MR CAIN: Thank you.

MR PETTERSSON: Can the committee get an update on any building work or projects underway and planned?

Ms Burch: Rachel.

Ms Turner: Thank you for your question, Mr Pettersson. Are you talking about more substantive—

MR PETTERSSON: The more substantive are probably the more interesting.

Ms Turner: Yes; sure. At the moment we are working with an architect to get a re-design of the front entrance of the building, the public-facing one. There are some known security vulnerabilities there in terms of accessing the building, so we are primarily looking to address that and also the street appeal—how that front entrance looks—to improve the way that movement occurs, coming in through the front of the building. We hope to bring some designs to consultation in the building, with members and staff, if not by the end of this year then early next year, noting that occupancy in the building will drop off and we certainly want everyone to see it. Then we will do a budget bid to progress to a more fulsome costing of what that will be, in the coming budget.

Mr Duncan: If I could just add to that: you would be aware from the statement of reasons tabled by the Treasurer that we did seek funding for end-of-trip facilities for this building. That was not accepted by the government of the day, but we are still contemplating whether we should bid for that again to provide end-of-trip facilities for people in this building.

MR PETTERSSON: Cool. Thank you.

THE CHAIR: We now draw this session to a close. On behalf of the committee, I thank the Speaker and OLA officials 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. I would like to thank all the witnesses for assisting the committee today. This hearing is now closed.

Ms Burch: Thank you.

The committee adjourned at 10.16 am.