



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

STANDING COMMITTEE ON PUBLIC ACCOUNTS

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

Members:

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

PROOF TRANSCRIPT OF EVIDENCE

CANBERRA

MONDAY, 13 NOVEMBER 2023

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

By authority of the Legislative Assembly for the Australian Capital Territory

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

APPEARANCES

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Amended 20 May 2013

The committee commenced at 9.47 am.

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

Office of the Legislative Assembly

Finlay, Mr Hamish, Acting Clerk

Turner, Ms Rachel, Executive Manager

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

Monk, Dr David, Senior Director, Committee Support

THE CHAIR: Good morning, and welcome to the public hearings of the public accounts committee for its inquiry into annual and financial reports 2022-23. The committee will today hear from the Speaker 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 the city and this region. We would also like to acknowledge and welcome other Aboriginal and Torres Strait Islander people who may be attending today's event.

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

In this session, we will hear from the Speaker and the Office of the Legislative Assembly. Welcome, Madam Speaker, and officials. It is good to have you all here this morning. I remind witnesses of the protection and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Please confirm that you understand the implications of the statement and that you agree to comply with it.

Ms Burch: Yes, I do.

THE CHAIR: Thank you. As we are not inviting opening statements, we will now proceed to questions. I will kick off with page 33 of the annual report. The privileges committee has reported finding that there had been a breach of privilege in connection with the issuing of the prohibition notice. I understand the OLA is in the process of establishing an MOU with WorkSafe ACT, establishing its regulatory functions relating to Assembly business. Speaker, did you receive legal advice on the logistics of jointly establishing this document?

Ms Burch: I did not seek legal advice. It was a recommendation out of parliamentary committees. It seemed a reasonable way to progress a shared understanding of the roles of the two entities. We have approached the commission over the last 12 months a number of times to progress this, through David Skinner's working through officers

in the commission. My most recent correspondence to and from the commission was tabled in the Assembly a couple of weeks ago.

I am personally disappointed that after 12 months there is still no MOU in place. The correspondence from the WorkSafe commissioner has said that it is a work in progress. It was quite short correspondence.

THE CHAIR: Thank you.

MR PETTERSSON: In light of recent media coverage, have you received any resignations from members, Madam Speaker?

Ms Burch: I received the resignation of Johnathan Davis late yesterday evening, and that has been forwarded on to the Electoral Commissioner. Pretty much that is my involvement in that resignation process. It is now in the hands of the Electoral Commission. The commissioner will, no doubt, during the course of today or tomorrow, come back with what he will do to progress it.

His processes are fairly clear and outlined in the Electoral Act. He needs to advertise and he needs to notify other candidates that were on that ticket for that electorate. There are statutory time lines, and then there is the process from there. As that becomes clear and available, I will be more than happy to share it with the party rooms, because everyone would have an interest about when a new member would be joining us.

MR PETTERSSON: Once that countback process is complete, what support does the OLA provide to new members?

Ms Burch: We have quite a good on-boarding system and a range of policies and procedures. I will perhaps go to Rachel.

Ms Turner: Thank you for the question. We do have a comprehensive process for working with a new member and assisting them with staff. We did that recently when we onboarded Mr Cocks. So we are prepared and ready to go.

MR PETTERSSON: What are some of the elements of that process?

Ms Turner: In terms of education? We will assist them to engage their staff and put equipment in their office.

Ms Burch: And I think there is an introduction to various policy procedures about how the place operates and functions, plus there are opportunities through ongoing education sessions—for want of a better word. Also, I think one of the key elements is an introduction to the committee system and how that functions. We would expect that any new member would be made a member of one of the committees; or else, the existing committee members would have a higher workload, and that is not in anyone's interest. David Skinner could add some more detail.

Mr Skinner: I thought I would just add that there is also an induction program that is probably sort of a scaled-down version of what we would do when a new Assembly is

elected. We give a whole range of advice and information about the working environment, the sorts of policies and procedures that apply, what it is like to manage an office, staffing responsibilities for work health and safety and how to manage staff. There is a whole range of things that we give to new members following an election, and we have a more distilled version for a new member who is elected as part of a countback process. It is a fairly comprehensive set of arrangements.

We have also in the past made arrangements for people like the Integrity Commissioner and others to present to members about how they perform their functions in our system. So it is a general sort of situational awareness about being a member, and that will apply in this circumstance as well.

Ms Burch: Going back to Mrs Kikkert's comment about their obligations as being a PCBU, a number of members will come in with very limited experience of corporate practice or corporate management or being responsible for staff. So I think that will be very strongly put in, given our mandatory training in some ways in that.

If I can, without being presumptuous, I would not only go back to noting the disappointment in not progressing an MOU but also note that the WorkSafe Commissioner's annual report is completely silent on, and absent any reference to, being found by two committees to have interfered with the functioning of this place. Even though they have recognised that we are key stakeholders, there is no mention whatsoever in their annual report of what occurred in those estimates processes. I am not quite sure what else I can say on that.

MR CAIN: Given your stated concern, are you following up that with correspondence?

Ms Burch: I have written and sought an explanation of why in an annual report, which should be a frank and fearless account of an organisation's and entity's activities over a 12 month period, it was deemed not worthy of mention.

MR CAIN: Are you able to share with this committee your correspondence and any reply?

Ms Burch: I will take some advice and, if I can, I would be happy to share it.

MR CAIN: Thank you.

MR BRADDOCK: I have a question about committee support, which received additional investment of resources and a restructure in recent years. What have the results of that been?

Mr Finlay: I might start on that. Following the Laing review and workplace review, we have just—I think it was either last week or the week before—got to a full complement of committee support staff, as agreed. So we have the 15. The structural reforms are all in place now with the committee secretaries, with assistant secretaries working under them and research and administrative officers working as well.

The feedback, as I understand it, from members, has been very positive. They

appreciate the new system. The added support it gives to committees and having multiple people responsible for that committee work means that there is always backup and availability, which works well both with absences and flexible working and ensures that there is always someone looking after a committee's interests and needs.

Since coming in, I have sat down with Dr Monk and we have comprehensively gone through all the recommendations in those two reports. We are satisfied that the vast majority of them have now been met. We now have a small list of five or six actions to be finished off, but we are happy that the committee support is now more consistent in terms of its approach and its standards. I believe it is also a better, more cooperative workplace than it was previously, and I think it is providing a more consistently high level of support to committees.

MR BRADDOCK: That is very good. Have you noticed any changes in terms of the quality of the work being produced or the amount of work being produced from that area as a result?

Mr Finlay: I could not speak to the amount—Dr Monk might be able to speak to the quantity—but I think there is certainly greater consistency. There was far greater variability depending on which committee secretary and which particular habit they had in terms of report writing and all types of things. There is now a more general standard across the level and not as much variability. To a degree, it is up to members to task that they are satisfied with the quality of the work.

Ms Burch: As I sort of handball it down to David Monk, I think the development of guidelines and standards within the committee office has, to me—I am not a member of a committee but I read the reports—been very useful and it is very good progress to see consistency in the quality and context of reports.

Dr Monk: Committee staff have always had deadlines for committees; so, in terms of output, I probably do not see a big change. But, in terms of quality, we are at the tail end of finalising a committee support manual. We distributed that to committee staff for comment in September. If we are lucky, we might get that document finalised by the end of the year. So I think there are still some gains to be made in quality, but I think we are well on the way on that.

MR CAIN: It is my understanding that, as part of the restructure, some employees were offered severance packages. How many were there? Did that effectively amount to a cut in the full-time equivalent?

Mr Finlay: On that second point, no. As part of the restructure, the resource available to committees was increased rather than reduced. But, on the severance—

Ms Burch: There were two severance payments made, or there were two staff, and that was primarily because we changed the classification of the roles, Mr Cain. We no longer had SOGB positions, but we increased the number of officers at the SOGC and ASO6 levels.

MR CAIN: On page 34 of the 2022-23 annual report, you advise that the office is

investigating low-cost options to upgrades of the audio-visual functionality in the chamber. Can you provide a status update on the progress of these upgrades since your previous update on 30 June this year?

Ms Burch: Mr Cain, as a result of that recommendation, we did talk to that committee and to DDTS and we found that there was probably not a need to really investigate that further—or, at least, a low-cost solution—as the problems are not as significant now that we have returned more to in-face meetings.

MR CAIN: Are you saying that there are not going to be any upgrades?

Ms Burch: Yes, that is correct.

MR CAIN: We have received some comments from those watching livestream that, for example, microphones are so sensitive that when someone is coughing it gets picked up, which interrupts what is being understood. Are you saying that something like that is not worth addressing?

Ms Burch: So you are saying if, for example, Mrs Kikkert is on her feet and you erupt into a cough, then Mrs Kikkert—

MR CAIN: Or other noises, I guess. That is the feedback we have received.

Ms Burch: Okay. We can take that on board and see what we can do with the directions or something of the microphones.

MR CAIN: Thank you.

Mr Finlay: I would just note that it is not always the person on their feet speaking that needs information recorded; sometimes when members interject it is very useful that that material is captured by Hansard so the Speaker can have reference to it later.

Ms Burch: I would disagree with that; I am inclined to stop it completely!

MR CAIN: So if I start with a cough and then get into interjections? So you will take it on notice and get back to us on that?

Ms Burch: I will, Mr Cain.

MR CAIN: Thank you.

THE CHAIR: I would draw your attention to page 17 of the annual report. I am very interested that it says 53 reports were tabled and that, out of those 53, 39 responses were received from the government. What can committees do to make sure that those 14 reports that had no response from the government can be responded to? What can the committee secretary do to encourage that?

Mr Finlay: Just as a first point, I would note that there will be a discrepancy for calendar year purposes. Some of the reports would have been tabled and the responses will have come in in the subsequent calendar year. So the statistics may not be quite

accurate there.

THE CHAIR: Okay; understood.

Mr Finlay: It has been a while since I looked at this standing order, but I believe that it is available for a member to ask in the chamber if a response has not been received within the time line.

THE CHAIR: Right; but these are reports that should be responding to a committee report. Is it appropriate then for the committee to raise the issue with the government instead of it being raised in the chamber? Is that the proper process—depending on the committee, I suppose.

Mr Finlay: The committee is master of its own business. It can choose which avenue it wishes. So the committee could choose to write and say, “The time limit has passed, Minister. We are still waiting on a response,” or a committee member or, indeed, any member could choose to stand up in the chamber and ask the minister for an explanation as to why a response has not been received.

THE CHAIR: Out of the six that were received, some were received after four months. Can you help us understand how late that was, after four months?

Dr Monk: Sorry; we do not have that information to hand.

Mr Finlay: We can take it on notice.

THE CHAIR: Thank you.

MR PETTERSSON: With regard to recent media reporting, it has been reported that Mr Rattenbury has written to the Clerk asking for an investigation into misconduct or breaches of the code of conduct. Is that accurate?

Ms Burch: I am aware that there has been a broad referral made—and I might go to Hamish in a moment. There was a referral made. Some of the elements of that referral will no longer be relevant, with the resignation of Mr Davis. But there is an interest that I and the community more broadly would have about how this has been managed and what information was appropriately managed and whether it was done in a timely manner. So I think there is still work to do in this area.

MR PETTERSSON: Can you provide any further information as to what further work will be undertaken?

Ms Burch: To me, there is very much an interest in what information was provided to Mr Rattenbury’s office and his public statements about his own internal investigation. I have no line of sight of what that was and how appropriate it was, and if, indeed, it was appropriate for the matters that were claimed at the time.

You could look at a referral to Mr Crispin or you could look at the standard reporting requirements under multiple acts, and even the Ombudsman Act, about personal responsibilities as a PCBU if information comes to you and how you are obligated to

deal with it and then, beyond the obligations, how you best in a transparent manner deal with it and let people know.

I personally became aware of this matter courtesy of the *Canberra Times*. I was alerted that an announcement was coming, but I found out about it in the *Canberra Times*. A letter subsequently came to me quite late in the evening last night, but my source of information has been the *Canberra Times*, in its limited capacity. I will not make a comment about how I find that, but it is not overly useful.

MR PETTERSSON: With regard to the activities of Mr Davis, with his resignation, does that mean there is no further scrutiny or investigation required by the OLA?

Ms Burch: There is a yes and no, and I do not think I can answer definitively “what we do now”, because it is still unfolding. Some of the matters raised have caused concern for me as being responsible for the wellbeing and safety of individuals and people within this precinct. I still have many questions that need to be answered, and it will only be when I start to put those questions forward and get information back that I will be able to be clearer about what steps that I would have as Speaker moving forward.

THE CHAIR: What are you concerned about, Madam Speaker?

Ms Burch: I am concerned around activity in this building. I am concerned about people’s responsibilities in how they handle information they have, let alone allegations that have been made. It goes to their mandatory responsibilities but also just alerting people if they have concerns about inappropriate behaviours.

MR CAIN: At any time, did the leader of the ACT Greens reach out to you to inform you of the concerns?

Ms Burch: Not personally, but I had contact with a member of the Greens party room.

MR CAIN: You expressed concerns about perhaps things have been happening in this building.

Ms Burch: No, no. Do not put me on—

MR CAIN: I would just ask that you re-reflect on what you are concerned about.

Ms Burch: I might have a concern, as being responsible for the precinct, about whether what needed to be done and activated to keep this place safe was indeed thought about, considered and actioned.

MR CAIN: Are you planning to do an investigation to satisfy those concerns?

Ms Burch: As I referred to Mr Pettersson, there are options open. There are options open to anyone to make a referral to Ken Crispin. But I will be seeking information and will be getting advice, and that will determine where I go from here.

MR CAIN: And that is advice you are happy to share with this committee?

Ms Burch: I would have to take that on notice—but it is not advice that I am going to get by close of business today, I do not expect. It will be something that I will need to be very considered about.

MR CAIN: Thank you.

MR BRADDOCK: I have a question regarding education. How will you reach out to communities who are multicultural or do not have English as a first language? What are we doing in that space to ensure that they are aware of the work done here in this building?

Ms Burch: I think Mr Skinner would be able to answer that question.

Mr Skinner: Thanks. One of the initiatives that the education office has been working on during the year is to translate a number of general resources about the Legislative Assembly and its legislative functions, its representative functions and its accountability functions into a whole range of languages, based on census data and the prevalence of those language groups in the ACT community. They have recently been released and published on our website. We see that as a useful way of reaching those communities with some general information. That is the thing that I would cite as being of a particular note during this financial year.

MR BRADDOCK: I was heartened to see that the Speaker has restarted her new citizens ceremony and I particularly applaud that. Is there any particular outreach to permanent residents who, whilst not being able to vote, definitely have a role within our democracy and can speak to their representatives?

Mr Skinner: I am not aware that we do anything with particular reference to permanent residents, but obviously all of our materials are available for people living in your community. Some of the resources that I just mentioned would certainly be available to people irrespective of their status as citizens or permanent residents. I think the Speaker's citizenship evenings are a very useful way of getting that group of people who have become new citizens to come along and feel part of the ACT community and learn a bit more about how our system operates. We do not have, I guess, a line of sight or mechanisms currently in place to extend that sort of program to permanent residents, but I will sort of take that under consideration as we go forward.

MR BRADDOCK: Thank you.

MR CAIN: Madam Speaker, regarding the declarable interests of members, are MLAs and their spouses required to declare superannuation, and are there circumstances in which they are not required to declare superannuation?

Ms Burch: I am going to go to the acting clerk.

Mr Finlay: And I will take that one on notice.

MR CAIN: Okay; and perhaps as well: if an MLA or their spouse or partner has a

self-managed superfund does that create an exemption at all? I would be interested in that information as well.

Ms Burch: I think this has come up because if you have a superfund—like if you are in Australia First or whatever group. I have a self-managed fund. I declare that but not all the jigsaw puzzle that sits underneath. It is my understanding that it is not required at the moment.

MR CAIN: I would be interested in what is required to be declared in this area of superannuation. Where a self-managed superfund is declared, is the name of the superfund required to be disclosed?

Ms Burch: We will take all of these questions on notice. If you have others, please put them through.

MR CAIN: Thank you.

THE CHAIR: Thank you very much. In the interests of time we will end it there.

Ms Burch: Thank you.

THE CHAIR: On behalf of the committee, I would like to thank our witnesses, who have assisted the committee through their experience and knowledge. We also thank Broadcasting and Hansard for their support. If a member wishes to ask questions on notice, please upload them to the parliamentary portal as soon as practicable and no later than five business days after the hearing. This meeting is now adjourned.

The committee adjourned at 10.14 am.