



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**STANDING COMMITTEE ON ENVIRONMENT, PLANNING,
TRANSPORT AND CITY SERVICES**

(Reference: [Inquiry into the procurement and delivery of MyWay+](#))

Members:

MS J CLAY (Chair)
MS F CARRICK (Deputy Chair)
MR P CAIN
MS C TOUGH

PROOF TRANSCRIPT OF EVIDENCE

CANBERRA

THURSDAY, 1 MAY 2025

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Secretary to the committee:
Mr J Bunce (Ph: 620 50199)

By authority of the Legislative Assembly for the Australian Capital Territory

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

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Privilege statement

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Amended 20 May 2013

The committee met at 9.00 am

GORHAM, MS KYLIE, Senior Product Manager, NEC Australia
MESSENGER, MR MARK, Head of Smart Transport, NEC Australia

THE CHAIR: Good morning and welcome to the second public hearing for the Standing Committee on Environment, Planning, Transport and City Services Inquiry into the procurement and delivery of MyWay+. Today the committee will hear from NEC, COTA and the Minister for Transport. As noted in the committee's media release for these hearings, part of the focus of today's proceedings will be the data breaches which have been identified in part as a result of the inquiry process.

The committee wishes to acknowledge the traditional custodians of the lands we are meeting on, the Ngunnawal people. We wish 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 any other Aboriginal and Torres Strait Islander people who may be attending today's event or who may be Zooming in from elsewhere.

Our proceedings today are being recorded and transcribed by Hansard and they will be published. We are also being broadcast and webstreamed live. If you take a question on notice, witnesses, please say, "I will take that question on notice." That helps our committee secretariat to track down the answers. I am pleased to welcome representatives of NEC to their second appearance for this inquiry. For the Hansard record, can you both please confirm that you have read and you agree with the parliamentary privilege statement? I will just remind you of what the obligations in that statement are. 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.

Mr Messenger: Yes, I have read the terms of reference.

THE CHAIR: Yes, and do you agree with the privilege statement?

Mr Messenger: I do, yes.

Ms Gorham: I have read and can confirm I understand the statement.

THE CHAIR: Thank you both for that. I am going to start with the first question. We have heard a lot of concern, and we have had a bit of conflicting information submitted to our inquiry, so I am keen to get some really clear answers. Some of these questions are yes or no questions. We have had witnesses who have been reporting a number of concerns about how the system operates. One of the issues that was raised, that has not yet been discussed, came up from a couple of our witnesses. They said when they were on the bus using their phones to pay, the system was accessing their wallets in their phones. Have you heard about that issue and is that a problem?

Ms Gorham: I can take your question, chair, thank you. The validators on board the buses incorporate a number of different technologies to interact with media and devices when they are placed near the validator itself. We talk about what is called NFC, or near-field communication, interactions between the validator and other devices,

including cards. So wherever there is a SIM card present there can be an interaction between that SIM card if it is incorporated inside, for example, a MyWay+ card or if it is recognised by an NFC component on a mobile phone.

In addition, there is the optical reader that reads the QR code which is positioned beneath the validator and if the QR code is placed underneath the beam of that optical reader then the QR code can be read. When a person presents their mobile phone into the range for the near-field communication antennas on the validator to be able to detect that there is a device, it can invoke the operating system on the mobile phone to be activated. It does not mean that the credit cards that are stored inside the wallet in the operating system on that mobile phone are actually interacting necessarily with the validator.

In particular it is important to note that at the moment in Canberra with MyWay+, we have not activated a particular mode of interaction between mobile phone wallets and the cards within those wallets and the validator. That is called express mode and that is a transit-specific capability where a card is actually pre-selected by the user to be automatically detected when near the validator. We do not have that feature currently turned on. So although a person may see that their wallet gets opened, that is the operating system recognising that it is near a near-field communication interacting device, but it does not lead to an interaction with their credit card. In order for there to be an interaction with their credit card, they actually have to acknowledge the payment specifically.

THE CHAIR: Excellent, thank you. What I have heard is that the issues raised by Ms Harwood and Ms Orlova did not show any vulnerability and did not show any kind of accessing of personal information. Please come back to us on notice if that is not the case, but that is what I have heard. I will move on with the next concerns in this area. Does MyWay+ rely on end-of-life software, or were there any elements of end-of-life software in MyWay+ when it was launched?

Mr Messenger: I may answer that one. No, the system is basically offered as a SaaS service, and there is no end-of-life software that forms part of the solution. Obviously, software is being updated and modified continuously and we will continue to update and modify the software in the system as new versions become available.

THE CHAIR: And there was no end-of-life software involved in MyWay+ on launch day?

Mr Messenger: No.

THE CHAIR: Was there end-of-life software in September in MyWay+?

Mr Messenger: Not that I am aware of, no.

THE CHAIR: That is interesting. This committee has seen a third-party certificate that indicates there was end-of-life software in MyWay+ and I believe that certificate was dated September. So I might get you to go back and reconsider that and come back to this committee if you have any concerns. Have you seen the third-party cybersecurity certificate that was conducted on MyWay+?

Mr Messenger: It depends on who the organisation was.

THE CHAIR: CyberCX.

Mr Messenger: Yes, that software was not end-of-life. It was in maintenance mode. So that is the software you are referring to, but we will take it on notice and come back to you with more detail.

THE CHAIR: Take that on notice and if you have access to that certificate, perhaps review what they said and come back to this committee on notice.

Mr Messenger: Yes.

THE CHAIR: Can you tell me, is the encryption software in MyWay+ in line with best practice, and was it in line with best practice as of launch day?

Mr Messenger: Yes, and yes to the second question as well.

THE CHAIR: We have seen CyberCX—the certificate indicated something to the contrary. Can you similarly take that on notice, review the third party certificate and come back to us, please?

Mr Messenger: Yes, yes.

THE CHAIR: Is MyWay+ fully compliant with the essential eight elements for cybersecurity and was it fully compliant with those essential eight elements on launch day?

Mr Messenger: To my understanding, yes. I am not completely across the essential eight, so I would like to take that question on notice.

THE CHAIR: When you take that question on notice, I would like the answer for launch day and for now and, if those are different, for when it was fully compliant. Please also look at the third-party CyberCX security certificate and the information they provided about that. The other one where I have seen conflicting information—can you tell me, was interoperability with New South Wales systems part of the project scope for MyWay?

Mr Messenger: I might ask Ms Gorham to answer that one.

Ms Gorham: Yes, thank you. The answer is that it was not.

THE CHAIR: So that is interesting to me. This committee has seen a document from government. It has been received in-camera, but it indicated that interoperability was part of the project scope. Can you tell me when interoperability with New South Wales—the month when that was first raised with you by ACT government? Feel free to take that on notice.

Ms Gorham: I pass the question to Mr Messenger because I believe those discussions

would have only taken place prior to the contract execution.

Mr Messenger: Yes, from my recollection—

THE CHAIR: Can you take on notice the first time that ACT government spoke to you about interoperability and whether or not it was part of the project scope? We have seen conflicting evidence about that.

Mr Messenger: Understood. We will take it on notice. Yes, thank you.

MS CARRICK: My question is about what considerations were given for older people, people with disabilities and minority groups. What risks were identified, and how were they mitigated? For example, COTA, who we will be seeing later this morning, said that they took 3,000 calls, that it created stress and they were unable to help because they did not have information. The MyWay card previously integrated with the Seniors Card. They had a problem with older people using the app. So what consideration was given to these groups and how were they put on the risk register and how were they mitigated?

Ms Gorham: Ms Carrick, I can take your question. There were a number of discussions that I participated in through last year with respect to responding to queries that were raised by seniors, either through their representative organisations or directly. Those queries may have come through to Transport Canberra's customer experience team or their project team. There were a number of discussions that were undertaken. They included, from NEC's perspective, making recommendations as to how to make the transition from MyWay to MyWay+ as frictionless as possible for organisations that had particular anxieties or concerns around it. Seniors were one of those.

One of those discussions and accommodations that were made in the implementation and the transition was, for example, to enable people to register their own concessions or to have an ease of ability to register their concessions without a specifically high bar for validation of their eligibility, to ensure they could transition as smoothly as possible. So this does allow them, for example, to present their seniors' credentials at the retailer when they purchase a MyWay+ card—I will say purchase, noting that it was a zero dollar purchase—and for them to be enabled immediately, recognised as a senior concession eligibility.

Additionally, we provided information to Transport Canberra on a regular basis. I am also aware that they provided information to the public as well. As has been noted in my earlier appearance, I did spend a significant amount of time in Canberra last year. I regularly visited Transport Canberra's visitor information booth at the City interchange and noted that, following discussions that we had had with Transport Canberra, there were new flyers available that specifically addressed the concerns of seniors and gave them a clear step-by-step guideline as to the actions they could take to answer the questions that had been raised.

MS CARRICK: The submission says that there was a lack of training; that the assurances from Transport Canberra that specific measures would support older people did not materialise; and they were poorly executed, leaving many people frustrated, isolated and overwhelmed. Where do you think the transition from MyWay to MyWay+

for seniors failed? The submissions we have are not positive at all.

Ms Gorham: Ms Carrick, I do apologise but I cannot take a position in response to your question. I am certainly aware that Transport Canberra and NEC did collaborate quite extensively in terms of delivering training by NEC personnel to Transport Canberra personnel and that those communications took place from there. It remained Transport Canberra's responsibility to enact the communications program and to roll that out across their organisation, and it may be a question that would be better posed to them.

MS TOUGH: My question is about accessibility more broadly. I understand you have partnered with a third party to do an accessibility audit and that is currently taking place. What does this audit involve? What is the timeframe for it? Is there any kind of user testing or involvement from the community in this process?

Ms Gorham: Yes, you are correct, we have partnered with an accessibility services organisation and we have commenced the work that has been agreed in scope. It is a joint exercise between NEC Australia and Transport Canberra as well as NEC's partners in the delivery of the MyWay+ solution. It includes a usability and accessibility assessment of the MyWay+ customer portal, the two mobile app versions of the mobile application—MyWay+ app for iOS and Android—as well as the journey planner web application or the web version of the journey planner.

It also includes Transport Canberra's own ACT government webpages relating to MyWay+, so where information is made available to the public to explain how to use MyWay+, to explain fares and so on. So that initial review will consider the certification and the compliance to the WCAG standard for accessibility and also user experience and provide feedback to both NEC Australia and Transport Canberra, as well as our partner SkedGo, for any actions that result from that. We anticipate receiving their report in approximately three weeks and then we will plan out the work that will result from those actions.

There is a second part to our accessibility review. Following the initial review, our partner, Get Skilled Access, will conduct a physical accessibility test in our facility in Melbourne, where we will lay out the layout of a typical bus as well as the layout of the rail platform. They will assess what we call front office devices, the validators, both in terms of how they are installed on the bus, how they are installed on the platforms and the ticket vending machines, as well as the interactions between, for example, the mobile phone app and the card media with those devices. Then following that we will have any further feedback from them as to recommendations.

MS TOUGH: You mentioned the ticket vending machines just then as part of this accessibility testing. Do you have an indication of when they will be available?

Ms Gorham: I would refer that question to Transport Canberra, please if I may.

MS TOUGH: Yes, that is fine.

MR BRADDOCK: I have a question in terms of the validation. Will that include the audio, because we have heard that there are issues with the audio, particularly that it is

coming across through the bus speaker system as muffled and difficult to hear.

Ms Gorham: I can confirm that is part of the assessment.

THE CHAIR: Why is the disability compliance, the assessment, being done now rather than being done back in September before launch?

Ms Gorham: I can advise that there were discussions that we had with Transport Canberra. I do believe I am on the record previously having described that we had a series of checklists to assess our readiness to go-live. It did include considerations around accessibility and there were prioritisations given to different features in the system for the go-live and the ability to achieve them within that time window. There was not an opportunity to include this assessment at that time and it is being done now instead.

THE CHAIR: Right, so if the launch had been done at another time, it is possible the service would have been fully compliant on launch?

Ms Gorham: There is a possibility, but I cannot comment on whether it would be realised.

THE CHAIR: You cannot comment, okay, fine.

MR EMERSON: Was that a government decision?

Ms Gorham: It was a joint decision.

MR CAIN: Leading up to the go-live date, what role did NEC play in advice-giving to indicate that the system was ready to go-live?

Ms Gorham: Mr Cain, the project director and I met regularly, at least three times a week, with the senior leadership of the project team for MyWay+ and worked through a checklist. In all of those discussions we assessed the readiness through a number of lenses. Were we technically ready? Were integrations complete? Was testing finalised and all critical issues raised in testing finalised? Did we have workarounds where we needed them? Have we communicated all the information correctly? Were people trained correctly? Those are the types of assessments that we undertook jointly together over a series of items on a checklist.

MR CAIN: Who is the head of that team to whom you were reporting?

Ms Gorham: The team from—do you mean, please, Mr Cain, the team from Transport Canberra?

MR CAIN: Yes. The one you were reporting to.

Ms Gorham: Mark White.

MR CAIN: Mark White. Mr White. In what form did NEC's approval take to say that your work was done and the system was ready to go? Did you give verbal feedback to

say things were in place? What kind of communication did you provide to say the system was ready to go from your point of view, as far as your work was concerned on this?

Ms Gorham: So certainly the process that we had internally reflected on, the sharing of documentation that showed test results, the documentation related to user guidance, completion of training and so on.

MR CAIN: Are you able to provide this committee with such documentation? Everything that led to your indicating that your work was completed, and the system was ready to go? Are you able to provide this committee with your tick box and sign off documentation?

Ms Gorham: I will refer to Mr Messenger. I do you believe we have a contractual constraint here.

Mr Messenger: Yes, thank you, Ms Gorham. We can provide that information through Transport Canberra. They have all that material, and you should get it provided to you.

MR CAIN: Are you able to provide it directly to us as a committee?

Mr Messenger: We would need to come back to you on that particular question on notice in terms of our contractual obligations to Transport Canberra.

MR CAIN: Were NEC given any indication from Transport Canberra, the minister's advisers or the minister's office that this system needed to go live before the end of last year?

Mr Messenger: No, they were not.

THE CHAIR: Mark, I will just confirm that you have taken that on notice and, if you come back and say, "I cannot answer that due to contractual reasons," our secretariat will redirect that on-notice question to the minister.

Mr Messenger: Understood.

MS CARRICK: My question is about the lead-up to approving the system to go live. Who was responsible for the risk register to identify the risks and how they were mitigated? Were you satisfied with the identification of risks and the mitigation strategies?

Ms Gorham: On the responsibility for maintaining that information, there was an internal register with NEC and there was a joint register shared with Transport Canberra. It was jointly managed between the program directors from each organisation, being Mr Mark White and NEC's program director.

MS CARRICK: It is interesting, because the risk register that we received did not identify so many of these risks. There were a number of failures across the implementation and the go-live day, yet they were not identified on the risk register.

MR BRADDOCK: Minister Steel's statement dated 10 April described two cybersecurity events—one involving 61 people's information in December and the other one involving 297 people's information in March. What did you report to the government about those two events and when? When did you become aware and when did you let the government know?

Mr Messenger: I will take the first part of that question. Regarding the incident that occurred in March, we became aware of it on the day and notified the customer immediately that there was a potential risk and then provided further updates beyond that. For the incidents recorded in December, we initially were not aware of a breach. It was only through further investigations as a result of the inquiry, as we have noted in our responses on notice, that we became aware of an issue and, immediately becoming aware of it, reported it to the government.

MR BRADDOCK: Coming back to the March event, you said you notified the customer on the day. What day was that?

Ms Gorham: It was 13 March.

MR BRADDOCK: So 13 March. You provided an answer to this committee to questions on notice 17 and 18 on 10 April, where you said, "Since 14 December, no further breaches or successful attacks have occurred, demonstrating the effectiveness of our remediation efforts." How do you square those two statements?

Ms Gorham: It would be necessary for me to have reference back to *Hansard* as to your particular question. If my recollection is correct, your question asked whether there had been security breaches—and not a privacy breach. The breach that occurred on 13 March, by definition, is not a security breach.

MR CAIN: What? You are kidding!

MR BRADDOCK: Can you please explain to me the difference between a security and a privacy breach and why that applies to that particular incident?

Ms Gorham: A security breach would be represented by a person accessing the system beyond their authority and accessing data as a consequence of that. That characterises the breaches that were reported in December. The incident that occurred in March was not a breach; a person made an error in performing a maintenance task with data. So it was an accidental outcome rather than a breach.

MR BRADDOCK: Okay. Does the NEC hold this personal identifying information of Canberrans on their own systems or is it on ACT government systems?

Ms Gorham: It is a shared situation. The personal information of Canberrans who sign up and create an account in MyWay+ using the ACT Digital Account is stored only in the ACT Digital Account and not in the MyWay+ system. That does not mean that we do not access that data in order to perform some of our services. If, for example, we are performing a process for a person who is an ACT Digital Account holder, when we need to send them an email, we will look up their name in an ACT Digital Account to include their name in the salutation on their email. For other account holders who create

their account directly in MyWay+ without using the ACT Digital Account, their personal details are stored in our system.

MR BRADDOCK: Does that mean the commonwealth's Privacy Act or the territory's Information Privacy Act applies or do both apply?

Ms Gorham: Both apply with respect to following the APP guidelines from a federal perspective. Then, of course, the ACT government has its own additional legislation related to privacy of Canberrans' data.

MR BRADDOCK: Okay. Have you had any engagement with the Office of the Australian Information Commissioner relating to the MyWay+ data security breaches or privacy breaches—or whatever you might like to refer to them as?

Ms Gorham: I have not personally. I will refer to Mr Messenger.

Mr Messenger: Our obligation is to report any cyber incidents to and through Transport Canberra. I am aware that they have had conversations with the Australian privacy organisation, as mentioned, and are managing issues through them. So the question is probably better referred to Transport Canberra.

MR BRADDOCK: Thank you.

THE CHAIR: I am still confused, and I am sitting on this committee and I am paying quite close attention. In December, white hackers made responsible disclosures that they had accessed other people's personal information. Is that correct—yes or no? I am not using the word “breaches” or “security”. I feel like we are being misled with the technical use of language. So I am just going to say: the December incidents were about white hackers who accessed other people's personal information through MyWay+, and they made responsible disclosures about that. Is that right?

Mr Messenger: That is correct.

THE CHAIR: Excellent. The first we heard about the March incident was in parliament a couple of weeks ago, and we had been told by the minister six times that there were no breaches and no incidents involving people accessing other people's personal information. Was the March incident somebody accessing MyWay+? Was that a staff member who sent an email? Can you actually tell me what happened with the March incident?

Ms Gorham: I can. One of our staff was tasked with updating an individual account holder's email address. An error was made in the process of them doing that and that email address was applied to multiple accounts rather than a singular account. As a consequence, for other MyWay+ account holders who were performing their normal use of the system, who would have received emails giving them notification or confirmation of their own actions in MyWay+, the emails that were generated for those individuals went to that singular one email address instead of going to their own personal email address.

THE CHAIR: Have there been any other incidents in which anyone has accessed

anyone else's personal information with MyWay+, either through human error or through system hacking? Other than the December incident and the March incident that you have just described, are there any others?

Mr Messenger: Not that we are aware of at this point.

THE CHAIR: Right.

MR EMERSON: Where is the distinction between a privacy breach and a security breach defined? Is that defined in your contract with Transport Canberra? Is that distinction that you are making—and I can understand the distinction you are making—defined in your contract with Transport Canberra? Is that defined contractually?

Ms Gorham: A security breach would be where there had been a vulnerability—there had been a breach of the intended security posture. It may result in a privacy breach as a consequence but not necessarily. A privacy breach may occur for other reasons—most commonly, a human error—without there having been a security breach.

MR EMERSON: Okay. I want to go back to accessibility. I understand this assessment report is coming in three weeks. Do you have an updated estimate on how long it will take until the entire MyWay+ system is fully accessible for people with disability, or is it dependent on that?

Ms Gorham: No, we do not. We rely on that report to provide us with an action list.

MR EMERSON: Okay. Is it your understanding that you are in breach of your current contract with Transport Canberra until the system is fully accessible?

Ms Gorham: We do not believe that we are. Our contract is not yet fully fulfilled. It is part of our fulfillment of the contract in order for us to incorporate this certification.

MR EMERSON: Okay. Have you received any correspondence, complaints or verbal concerns from government officials about the current noncompliance of the system with pieces of legislation such as the ACT's Disability Inclusion Act, the Discrimination Act, the Human Rights Act or federal antidiscrimination legislation?

Ms Gorham: The issue is discussed. We have not received any complaints.

MR EMERSON: In what manner has it been discussed?

Ms Gorham: Where the incident is raised by other parties that bring that information to Transport Canberra, they share that information with us and ask us for our consideration of it and to ensure that it is included in our further activities towards the completion of our contract that we consider those inputs.

MR EMERSON: In those conversations, has it been your response to government officials that, "Yes we are in breach of those pieces of legislation until such time as the entire contract or your obligations under the contract are fulfilled"?

Ms Gorham: It has been our response that we are working towards the fulfillment of

our obligations under the contract.

MR EMERSON: Has anyone in any of those discussions accepted that, until those obligations are fulfilled, someone is in breach of multiple pieces of legislation?

Ms Gorham: We characterise it that it is our objective to deliver a solution for Canberrans that is accessible. We look forward to doing that as we complete the fulfillment of our contract.

MR EMERSON: Okay; I understand. You are providing us with a very good political answer. Would you be able to answer that question directly whether or not someone has accepted that? You can see the frustration for someone with disability. There is no acceptance from anyone that, until the time that this contract is fulfilled, we are in breach of pieces of legislation that that are supposed to protect people's rights. I am not trying to pin it on you and I am not trying to pin it on the government; I am just trying to understand if anyone at any point has accepted that, at this point, we are in breach of those pieces of legislation.

Ms Gorham: I am sorry but I am not in a position to answer that on behalf of NEC Australia. From our perspective, we consider that the delivery of the solution will not be complete until it is fully accessible. With respect to an assessment as to at what point in time there is considered to be a breach in legislation and who is responsible for it, that really is beyond what we can do independently ourselves at our desks, as professionals and as an organisation. It perhaps is a question better directed elsewhere.

MR EMERSON: So your feeling is that is a question for government?

Ms Gorham: Yes, perhaps.

MR EMERSON: Okay; we will ask them later today.

THE CHAIR: I believe I heard you say that you are not in breach because no-one has complained. My understanding of how legislation works is that a legislative obligation is an obligation whether or not somebody has complained. Did you just tell me that, until someone complains about a breach, there is no breach?

Ms Gorham: I apologise if that is the interpretation of my words. I answered a question as to whether or not there had been a complaint made to NEC, and I advised that we had not received any complaints but we had received correspondence where feedback had been received by Transport Canberra and other parts of the ACT government, and that had been funnelled through to us. I acknowledged that we have received information but I rejected the proposition that they were complaints. My comment was that our obligation is to complete this compliance as part of our contract and that, in that sense, we are currently not in breach of our contract and, secondly, that I did not feel that we were in a position to comment at what point it became a breach of the legislation or who was responsible for it. At no point did I suggest that a complaint needs to be received before a breach can be considered to be in place.

THE CHAIR: Thank you.

MS CARRICK: My understanding of the contract is that it is a 10-year contract with a development phase and an operational phase. Is that correct?

Ms Gorham: Yes, that is correct.

MS CARRICK: When does the development phase finish and we move it into the operational phase?

Ms Gorham: I believe Mr Messenger answered that question at our last meeting. Mr Messenger?

Mr Messenger: Yes. There is no hard switchover between the two phases, because the system will always be undergoing enhancements and evolutions. The operational phase of the contract, where we are responsible for the operational performance of the system, transition and full operations commenced on 27 November last year. During that phase we will continue to complete the contractual functional requirements leading to closure of the transition phase or the project phase and then continue to evolve and enhance the system beyond that during the operations phase.

MS CARRICK: I understand that there will always be continual improvement of the system, but what are the milestones? Can you provide us the milestones that set out how the system was to be implemented and the dates that you were to hit on the implementation? And then that gets to launch date. Assumably, there were milestones that things would be delivered before launch.

Mr Messenger: I will need to take that question to notice because, as you can understand, there are a number of milestones and I do not have the dates to hand. So I will provide that answer on notice, if that is okay with you.

MS CARRICK: Yes. I would like to see what the milestones were, how the risk register aligned with the delivery of the milestones, how the risk register picked up the risks that were being identified as the milestones were hit or not hit, because they should have all been and, assumably, it was all sorted before launch.

THE CHAIR: With that information you have taken on notice, Mark, I might just encourage you, with these dates of when milestones kick in, the generic obligation that all territory contracts have, that contractors must comply with legislation. If you think that is a milestone date that only applies at a certain point in time, please include that in your answer.

MR CAIN: Has NEC been subject to any penalties or purported to be subject to any penalties under the contract because of any breach—in other words, penalties by the government raised against you or threats of any such penalties?

Mr Messenger: No, we have not.

MR CAIN: Are there any outstanding issues where you are disputing with the government as to your compliance under your contract?

Mr Messenger: No, there are not.

MR BRADDOCK: Going back to the certification against disability accessibility, is NEC bearing the full cost of that process?

Ms Gorham: It is part of our scope of work and so it is covered within our current contract, Mr Braddock.

MR BRADDOCK: Did the contract stipulate that that scope of work should be undertaken after the go-live or before the go-live?

Ms Gorham: It did not specify that within the contract.

MR BRADDOCK: Thank you.

THE CHAIR: It has just been flagged with me that the milestone section of the contract is labelled “confidential text”. Mark, do you think you are going to be able to come back to us with the full information that Fiona Carrick has asked for?

Mr Messenger: I will have to take that on notice. I was not aware that was confidential text.

THE CHAIR: I will just direct a question to my secretariat. If NEC comes back and says this is confidential information, can we redirect that question to the government to have the authority to release it?

MS CARRICK: Can I just ask one last thing on the contract?

THE CHAIR: Yes.

MS CARRICK: Is it normal to not have a date for implementation? Is it normal in a contract not to have an implementation date and then moving into the second phase—a date that defines the two phases?

Mr Messenger: There are two dates that probably relate to what you are asking. One is what is termed loosely as “beneficial acceptance”, where enough of the system is available to launch, and then there is “final acceptance”, where the final features and functions of the system are completed and the project phase is due to be complete. They are probably the two dates you are referring to in your question. Those dates are defined and documented in the contract. We have obviously passed the first date and are now working towards the final acceptance date, which is targeted for the third quarter of this year.

MS CARRICK: So all functionality and accessibility would be finalised by that date?

Mr Messenger: In that phase, yes, apart from potentially a punch list of items that are then agreed to be deferred, as is the case in many contracts.

THE CHAIR: When you come back to us on notice about the milestone information, can you also inform the committee if the dates changed in the last year? If there has been negotiated changes to those milestones, we would also appreciate that information

to be provided. Thank you.

Mr Messenger: Understood; yes.

THE CHAIR: On behalf of the committee, thank you for coming, Mark and Kylie, and thank you for providing that additional information. There are a number of questions on notice. Please provide your answers to the committee secretariat within five business days of receiving the uncorrected proof *Hansard*. If you are unsure about what the committee has asked for, please just chat to James. He will help you understand, and he can come back to us and check what it is we have actually asked for. We are very keen to get the information. We will not be impressed if we get answers that are technically accurate but possibly not going to the heart of the issue that the committee member has asked about. Thank you very much.

Short suspension

JOHNSTON, MS RAINA, Manager, ACT Seniors Card and Discount Directory,
Council on the Ageing ACT
MOBBS, MS JENNIFER, Chief Executive Officer, Council on the Ageing ACT

THE CHAIR: We welcome representatives from COTA. Jenny and Raina, I will ask you to confirm that you have received and agree with the privilege statement. I remind you that 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. Tell us what you know and, if something is outside of your experience, you can say, “I’m not sure about that.” That is fine. Jenny, could we start with you? Could you state that you have read and agree with the privilege statement?

Ms Mobbs: I have been at COTA for about nine years—nothing on Raina—and I have read the privilege statement. Thank you.

THE CHAIR: And you agree with it?

Ms Mobbs: Yes; I agree.

THE CHAIR: Thank you. Raina?

Ms Johnston: I have been with COTA for about 16 years. I have also read the privilege statement and I agree with it.

THE CHAIR: Thank you. I am going to hand my first question to Mr Braddock.

MR BRADDOCK: I am interested in the impact the MyWay+ rollout has had on seniors and also your opinion as to whether it is compliant with the Commonwealth’s Age Discrimination Act 2004.

Ms Mobbs: That is difficult. It has had an enormous impact on seniors, and you can tell that from the number of phone calls that we have taken, from the late week in November last year until now. Yesterday, I listened to the phone calls coming in. People are still ringing. Seniors need support, particularly in the IT area, and we provide that. They ring us rather than Transport Canberra, because our number is prominent on the Seniors Card. I do not know whether you have seen a Seniors Card. I actually brought one in, if you want to look at it. The number for Transport Canberra is so minute that most people cannot read it, even with their glasses on, so they ring us about anything to do with it. They ring to find out whether the No 3 bus is turning up today. We take all of those calls for Transport Canberra and have done so for a very long time, since 2011 when the cards were combined.

I am not sure about age discrimination and the Commonwealth legislation. We will have to look into that, Andrew. Seniors, in this aspect, as they were largely in COVID, are treated quite badly. The ACT government expected that all seniors have a mobile phone, which they do not; that they are all online, which they are not; and that they can all interpret how to shop and check in and check out, and that is not the case. During COVID, we worked extensively with the ACT government to overcome that as well. We are not new to working in that space with seniors. Seniors can be treated quite badly in Canberra at times.

MR BRADDOCK: Did the ACT government consult with COTA at all about MyWay+ prior to it going live?

Ms Mobbs: Yes; on 19 December 2023. I had asked for a meeting. All staff came, and several of them appeared before you here for Transport Canberra. We went through all of the aspects that my staff team felt would be challenging for seniors in the swap over to the MyWay+ system. We sat with them, talked with them and explained each aspect that we thought needed to be dealt with prior to the change. We talked about the information that needed to be tailored for seniors, and not one of those things was actioned—not one. As a consequence, we went into MyWay+ with very little information that seniors could understand or seniors could even find. That is what led to all of the phone calls that came to us—lengthy phone calls at times.

The other complexity was that, if they did manage to ring Transport Canberra, they would be number 58 or 59 in the queue. They were not going to put up with that. I used to say to them, “Just get a cup of tea and sit down,” but that was not enough. It was extremely frustrating for them, and frustrating for us. Once we looked at the website, we saw that there were not enough places distributing the MyWay+ card, and the ones that had the cards for early distribution did not have enough. They ran out of the cards, so people were doubly frustrated over the issue.

MR BRADDOCK: In your submission, you mentioned that the seniors flashcard option was applied inconsistently. Is that still the case, and what is the impact of that?

Ms Mobbs: Yes; it is still the case. I heard that earlier this week. While we asked Transport Canberra to train their bus drivers and tell them that the Seniors Card could be used until June, most of the bus drivers are saying to seniors, “Please, your Seniors Card is out of date.” It is not. They are not differentiating between the Seniors Card and the MyWay+ card. The Seniors Card lasts forever, and Raina will be working on it forever. The MyWay+ card is the one that they should be told to get. We get a steady stream of people coming in to COTA to get their MyWay+ card, because that is what the bus drivers have said. We do not have them.

MR BRADDOCK: Thank you, Ms Mobbs.

MS CARRICK: Your submission is very good. Thank you. I was feeling traumatised on behalf of seniors. It is clear that Transport Canberra were not responsive to your issues and they did not identify risks and proactively mitigate them. I will move on to reputation. Do you think that there has been a lack of trust and a reduction in the reputation of both Transport Canberra and COTA?

Ms Mobbs: I think it has affected us. I listened to the radio this morning and heard about the number of people in Victoria or New South Wales that have been arrested for abusing people at the end of the phone or in retail, and I thought, “Actually, we’ve experienced that over and over again.” We have given people an accurate answer, but we have not been able to explain why Transport Canberra made the decision at the time. So it has been a reputational issue for us. We are pretty tough at COTA. We are only a small team. People come to us for absolutely everything, so we have learnt to be pretty resilient. We have worked really hard with Transport Canberra. I wrote to Minister Steel

about the issue and said, “You need to do better. Your staff need to do better,” so he arranged two more meetings with Transport Canberra, which took more of our time. Unbelievable! We explained exactly the kind of information that needed to be put out for seniors to be clear about the difference between the 70-plus concession and the 60 to 69 issue. They are different, and it has taken us until two weeks ago to get that information in a form that seniors can understand.

MS CARRICK: In previous hearings, we heard about people becoming anxious when trying to tap on, because they could not tap on—

Ms Mobbs: That is right.

MS CARRICK: and that they then did not use public transport. Do you think that has happened to seniors?

Ms Mobbs: I think so. Like anyone, once you try something and it does not work the first time, you will give it a second go and, if that does not work, you just give up. We have heard from people who have been most embarrassed, which is cruel. Some of the bus drivers have been very kind. We have heard from seniors that a bus driver said, “Just get on,” but there is a bus full of people behind them, so the embarrassment level is really high.

MS CARRICK: We have heard about the time it took. When it first launched, it took a while for people to tap on, so they were holding up the queue.

Ms Mobbs: Not good.

MS CARRICK: No. Thank you.

MR BRADDOCK: Could you clarify some time lines. When did you provide feedback to the government? You mentioned that you had a meeting at the end of 2022, I think, and you also just mentioned—

Ms Mobbs: Sorry—19 November 2023.

MR BRADDOCK: It was 2023. My apologies. Then you mentioned that you wrote to Minister Steel. When did that happen?

Ms Mobbs: In late November. When we could see the issues that were happening to us, I wrote to Minister Steel.

MR BRADDOCK: And when did you have the meetings with him and his officials?

Ms Mobbs: In January and late February.

Ms Johnston: We have had around six meetings with them. There was a lot of consultation prior to the rollout. I think what you are referring to is the initial meeting we had in November 2023, and then Ms Mobbs wrote to Minister Steel in November 2024.

Ms Mobbs: Then we had two more meetings. We also had a separate meeting with their comms team, which was the only team that pretty well listened to what we needed.

MR BRADDOCK: Thank you. Do you know whether any seniors were involved as part of the user testing process, or were you able to provide any feedback during that process?

Ms Mobbs: Quite a few. In fact, I had to user card myself, and I know that a couple of my fellow members on MACA—the Ministerial Advisory Council on Ageing—had to test things, but there were very few buses to test on. I think there were only three at the time. I would see buses going past queues and would think, “I should be on that bus.” Yes; there were seniors involved.

MR BRADDOCK: Do you know what feedback they may have provided as part of that testing?

Ms Mobbs: No; I do not. That went back to Transport Canberra.

MR BRADDOCK: Thank you.

THE CHAIR: I have a supplementary. Raina, you mentioned that there had been consultation with COTA prior to launch. Were any of these sorts of issues raised during that consultation?

Ms Johnston: Yes. We specifically said we were concerned about our phone number on the card and that Transport Canberra would have to supply extra ways to reach seniors so we were not taking their calls.

Ms Mobbs: We also offered to host their staff, didn’t we—

Ms Johnston: Yes.

Ms Mobbs: to bring their staff in so that they could hear firsthand the issues that seniors were raising, because we knew that was going to happen.

THE CHAIR: That might have helped with the 3,000-plus phone calls that you had to field for the government.

Ms Mobbs: It would have helped enormously. Absolutely.

THE CHAIR: Interesting.

Ms Johnston: The other issue is that everything was online. All the information was on their website. Once again, we have a large group that does not have access to computers.

THE CHAIR: Interesting. So, before launch, Transport Canberra and the minister knew about these concerns?

Ms Mobbs: They had 12 months to think about it—or 11½ months.

THE CHAIR: Thank you.

MR BRADDOCK: I have another supplementary. Regarding your offer to the government to host some individuals to help with answering questions, what was their response?

Ms Mobbs: Nothing actually. Interestingly enough, we go to libraries every month as an outreach, which took me four years to organise, mind you. Our COTA team goes to libraries, and, more recently, we have been taking a Transport Canberra team with us. We went to the Woden Library about four weeks ago. There were 35 people waiting for us when we walked in, and they were all there about a MyWay+ issue. That is happening across Canberra.

MS TOUGH: I am really sorry to hear about the abusive phone calls that you receive. That is unacceptable. I am sorry you go through that. I am interested in the over 3,000 calls you got in the initial period.

Ms Mobbs: That was just until the end of January. We are closer to 6,000 now.

MS TOUGH: Wow! Do you have a list of some of the most common questions or complaints you are getting? Are there a lot on one topic or does it vary?

Ms Mobbs: People cannot understand why they still cannot use their Seniors Card on a bus. That is No 1. Secondly, if they have to get a MyWay+ card, where could they get it? Wherever you live, I could now tell you where you could get a card. They want to know how to transfer the balance from their old card. We cannot do that. We do not do any of the money issues. That is all for Transport Canberra. What else?

Ms Johnston: How they go about getting a card is a big question. “What do I do now?” and “What do I do with my Seniors Card now?”

Ms Mobbs: That is right. That has been one of the things. Bus drivers have said to them, “Your Seniors Card is old. You don’t need to use it anymore,” so they have thrown their Seniors Card out.

Ms Johnston: And then they realise they have to apply for a new Seniors Card that does not work on buses anyway.

Ms Mobbs: It has been quite complex.

MS TOUGH: Yes. Did Transport Canberra give you any information to help with those questions or did you have to find the answers to some of those questions?

Ms Mobbs: We had to find the answers ourselves. We are pretty good at reading their website now. In fact, one fellow who rang said to me, “You should have written their website for them.”

MS CARRICK: I have a quick supplementary on the Seniors Card and the MyWay+ card. Are they going to be integrated again at some point?

Ms Mobbs: I cannot imagine that, Fiona. I am not sure. The whole IT system for the ACT government is changing. In fact, we have managed the Seniors Card program for 19 years—

Ms Johnston: I think we took it over in 1999.

Ms Mobbs: A long time. In 2011, there was a decision to integrate the card. Now it has been separated. I cannot imagine them trying to—

MS CARRICK: My understanding is that it was a six-month period—that they were going to be separated and then they were going to be integrated again. I remember going to pop-up sessions and they said, “You just have to do this for six months.” I am not confident that it is all going to come back together again.

Ms Mobbs: We have not heard that at all.

Ms Johnston: No. We were not really told prior to the card being separated. We were not involved in that consultation process. We were just told the card was being separated.

MS CARRICK: So there is a lack of clarity around the reasons it was separated and the benefits of it and whether it will come together again.

Ms Mobbs: I am on the Transport Canberra accessibility committee, and it was brought up there. Several people have great needs—blind, deaf and hearing impaired. The separate card was sold as being the best thing since sliced bread. It would have real-time bus tracking; you would be able to do this and that. This is pure supposition: putting it back on the Seniors Card would be seen as a retrograde step.

MR CAIN: Jenny, thank you for reminding the Chief Minister that he gets older every day!

Ms Mobbs: He does.

MR CAIN: Sadly, the MyWay rollout is another example of the government paying poor attention to the needs of the elderly, particularly given that, per head of population, I think our older population would be more frequent—percentage wise—users of public transport than any other cohort. Thank you for your submission, but, again, we are seeing what appears to be another poorly considered rollout of a significant government program, without attending to the needs of the elderly. How do you think this can change?

Ms Mobbs: It is the role of COTA to make the change. We try to do that every day in our everyday work.

MR CAIN: But is the government delivering to your community?

Ms Mobbs: I cannot run the government. I would love to sometimes, but all we can do is advise. I do not think I can be on one more committee. We try to get onto everything

and have a say. I am on committees for planning, the environment and light rail. We are meeting this afternoon on light rail. That is going to be bizarre. We are on every committee that we can be on so that we are represented and are representing seniors, because they do not get a say, and yet they are a very vocal group. They will ring us about issues rather than tell the government.

MR CAIN: Given the consistency of your submissions on common themes and common issues, why has there been so little advance made by this government?

Ms Mobbs: I do not think getting old is very popular—I seriously do not.

MR CAIN: Mr Barr is now 50, but apparently he did not like such people at one stage.

Ms Mobbs: The other choice is not very good, really. It is better to get old. I think it is not seen as trendy. You are just old. People get very offended by that, but I am sure that is how people see seniors in Canberra. It is hard to understand.

MR CAIN: Are you saying that you feel the government is not giving attention to the older part of our community?

Ms Mobbs: I think it does not have to. It does not feel like it has to.

MR CAIN: Wow! That is a pretty deficit approach, in my opinion. Thank you for your advocacy and important work.

Ms Mobbs: That is all right.

MS CARRICK: I have a comment about that, and then I will ask my supplementary. I think there is a lack of understanding about generational change and access to computers. There is a lack of understanding about people's ability to use computers—that people do not have them and did not grow up with them.

Ms Mobbs: I totally agree with you. Every Wednesday and Friday, we run a free program where we bring people in to learn IT for their tablet, their phone, their laptop and whatever. That program is booked weeks ahead. It is free. People come and get an individual hour. We have “frequent flyers” who come. They come back 10 times. We feel that is an enormous community service.

MS CARRICK: Yes. You mentioned you are on the accessibility committee. Do they ever discuss accessibility standards and that MyWay+ was not going to meet them?

Ms Mobbs: That came up very late in the day. Ticketing was almost in before that came up. They were worried more about—I have forgotten what it is called—when they put a pattern on the bus and they do advertising, because that is apparently not good for people with limited sight. But I see it on nearly every bus. The issue was discussed but not actioned.

MS CARRICK: There are multiple accessibility issues, aren't there? There is website accessibility and there is accessibility in the bus—audio—

Ms Mobbs: That is right, and that is still being fixed. It started with electric buses, because they are absolutely quiet. People with hearing impairment did not know that the bus had turned up. Now they have a “ping, ping, ping” noise. A bus came to one of the meetings so that we and hearing impaired people could try the bus. Some steps have been taken, and it has taken the consultations to make the government take those steps.

MS CARRICK: Interesting. There is functionality. When you previously swiped on, it would go “bing”.

Ms Mobbs: That is right.

MS CARRICK: Thank you.

MR BRADDOCK: You are saying the disability access committee was only involved very late in the piece when they started advertising that MyWay+ was coming? Is that correct?

Ms Mobbs: The person who has been responsible for bringing the system in—his first name is Mark—attended the last two meetings before the system came in. That is from memory. I would have to look back through my notes. That is how late it was brought up.

MR BRADDOCK: What feedback did that committee provide to the ACT government?

Ms Mobbs: I do not think they understood the implications. They certainly would not have understood it from our perspective—the Seniors Card part of it—because not all of them are Seniors Card holders, for example.

MR BRADDOCK: Could I please clarify: when you said “they” in that sentence, were you saying the ACT government did not understand the implications or the disability access committee did not understand?

Ms Mobbs: The committee members did not.

MR BRADDOCK: Thank you. I just wanted to clarify the reference.

THE CHAIR: Just to clarify, you mentioned Mark. Would that be Mark White?

Ms Mobbs: Yes.

THE CHAIR: Thank you. Mr Braddock.

MR BRADDOCK: In your submission, you talk about the importance of hard copy information being provided. You, of course, were not financially in a position to do that. Why is that so important in order to successfully implement such a change?

Ms Johnston: For example, if people cannot access a computer or go online to find out where retail agents are or even how to get a card, they come to our office, so we made a flyer for them. It had a list of retail agents, how to get a card—

MR BRADDOCK: Sorry to interrupt. You—not the government—designed the flyer?

Ms Johnston: We did. We made our own flyer because, by the time we got the flyers about MyWay+—

Ms Mobbs: Two weeks ago.

Ms Johnston: most of the drama had already happened.

MR BRADDOCK: Fair enough. Would I be right in assuming it would be a fairly straightforward job for a government, in terms of them knowing who has a Seniors Card and knowing their address? They could have arranged the design and distribution of their own flyer.

Ms Mobbs: They could have. It would have been easy.

MR BRADDOCK: Thank you.

Ms Mobbs: In fact, a few years ago, Raina instigated *Seniors Scoop*, which goes to 50,000 Seniors Card holders by email. If the government and Transport Canberra had been a little bit smarter, they could have come on board. In fact, we were designing the information to go out to those seniors via email. So we actually took over Transport Canberra's job as far as MyWay+ and seniors went.

Ms Johnston: Once again, because it was online information, not everybody got it. The more vulnerable people did not have access to that information—probably the people who needed it.

MR BRADDOCK: The ACT government provided no financial funding whatsoever to support you as you supported their transition?

Ms Mobbs: Absolutely not. The timing of it was really challenging. It came in on 25 November, and the Christmas shutdown is usually a quieter time for us. Raina and I were both in the office. On some days, the only thing I did was answer the telephone and the front desk.

Ms Johnston: Yes. There were many days like that.

Ms Mobbs: Our Christmas shutdown was exhausting, and I think we are still getting over that point. There was absolutely no support from Transport Canberra. I got a letter from Minister Steel saying, "Thank you for your letter. I guess you have had the meetings with Transport Canberra. I hope all is well." Wait until I see him!

MR CAIN: He will be here this afternoon. You are welcome to be in the gallery!

THE CHAIR: Raina, the government expected the introduction of MyWay+ to increase bus patronage. It was expected to be a marvellous success and that it would get more people onto buses. We have some data on usage from the government. We asked for just 13 months. I realise we should have asked for a longer period. From

March last year to March this year, bus usage has actually dropped, which I find very interesting. With MyWay+, all of the promotions about using a bus, the roadworks going on in Canberra, the cost of living and petrol prices, I actually would have expected bus usage to increase quite significantly, but it has gone down. Have you had any feedback from people who have had a negative experience—people who used to catch a bus and maybe now just do not want to catch a bus anymore?

Ms Mobbs: We did hear a lot from people about the negative experience and being too embarrassed to catch a bus again, which is awful. I am not sure.

Ms Johnston: Regarding our group, they either need to catch a bus because they do not have carers or they do not have someone to get them to medical appointments. It is not a matter of “Can I catch a bus?”; it is a matter of “I have to catch a bus.”

THE CHAIR: So the impact may be on people who are not relying on a bus rather than people who are relying on a bus.

Ms Johnston: Yes.

THE CHAIR: Thank you.

MS CARRICK: I do not have any further questions.

THE CHAIR: You are giving us such excellent and concise answers. This is amazing!

MR BRADDOCK: Yes—very complete.

MS TOUGH: I do not either. Mr Braddock asked what I was going to ask about: information that COTA provided and what could have been provided.

Ms Mobbs: It has been amazing and it still is amazing. When we had the second meeting with Transport Canberra, their customer service people were on teleconference and said that they were taking many calls from seniors and that they were doing what COTA does. I said, “Yes, but there is a big difference: you are paid by Transport Canberra and we are not.” It was really quite disappointing behaviour.

Ms Johnston: Yes.

MS CARRICK: Yes. There is obvious lack of support for your sector and other sectors as well.

Ms Mobbs: It has been incredible. I know what we give back to the government and how we support the government in every aspect, but to be slammed like that, not get recompense and not get a thank you has been extraordinary.

MR CAIN: Thank you for your submission and your work for our aged community. I am sure the committee will be reflecting significantly on your submission. Thank you.

Ms Mobbs: That is all right. Thanks for your time.

PROOF

THE CHAIR: Thank you so much. We rarely have witnesses who can explain it so clearly. We thank you very much. We are sorry—

Ms Mobbs: We kind of live and breathe COTA, though, don't we? It is good work.

THE CHAIR: Thank you.

Committee suspended from 10.13 am to 2.59 pm.

STEEL, MR CHRIS, Treasurer, Minister for Planning and Sustainable Development,
Minister for Heritage and Minister for Transport

McHUGH, MR BEN, Deputy Director-General, Transport Canberra and Business
Services, Transport Canberra and City Services Directorate

VALTAS, MR JULIAN, Chief Information Security Officer, Cyber Security Centre,
Chief Minister, Treasury and Economic Development Directorate

WHITE, MR MARK, Executive Branch Manager, Transport Canberra and Business
Services, Transport Canberra and City Services Directorate

THE CHAIR: I now reopen the public hearing of the inquiry into the procurement and delivery of MyWay+. Our proceedings are being recorded and transcribed by Hansard and they will be published. We are also being broadcast and webstreamed live. If you take a question on notice, please use these words, “I will take that question on notice.” That helps us to track down the answers.

Welcome, Minister Chris Steel, the Minister for Transport, and the many officials. Before you first speak, could you state that you have read and agree with the privilege statement? I will remind you of what that privilege statement says. 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 agree with and understand that statement before you first speak.

We are not having opening statements. We have received a rather late submission, Minister, at 12.15 today, which our committee has agreed to accept and publish as a submission. We are a little interested as to why that was received at 12.15 today, and not, for instance, on Monday this week. You might enlighten us about that in due course. We would also appreciate quite concise answers. We have a number of members here—six members here—and a lot of questions. It is okay if you need to take questions on notice; that will be fine.

Minister, we were having a chat with NEC this morning, and we have had a lot of conflicting evidence, I would say, to this inquiry. I would like to try and straighten out some of these issues. We have also heard a lot of concerns about these issues from our community witnesses, so this is a good opportunity to try and work out what has been going on.

Going to the first one, this committee has received, in camera, risk registers. We had a chat to NEC about some of these risk registers. Can you clarify: does your contractor, NEC, have access to the risk registers that you sent to this committee?

Mr Steel: To answer the first question, thank you for accepting the supplementary submission from the ACT government, which was basically designed to provide an update on the matters that we had previously addressed in our original submission. It was not necessarily intended to update the committee for today’s hearing; it so happened that cabinet met today, to be able to clear the submission, in order to get it to the committee. That is the reason around the timing. Of course, if there are further questions, I am happy to answer them. I will hand over to Mark White to provide some further information about the risk register, and Ben McHugh as well.

THE CHAIR: The specific question was: with the risk registers that you provided to

this committee in camera, does NEC have those?

Mr White: I have read and understood the privilege statement. Yes, NEC have been privy to that risk register. Also, they have developed their own risk register; because, after all, the risk register provided to you is the program's register. We ran a program of multiple streams of projects, multiple activities, of which NEC accounted for about 85 per cent of the effort. Many of the risks flowed down and flowed upwards; certainly, they maintained their own risk register at a project level or a stream level. Other streams, like ACT Digital Account, also ran a risk register. Again, all parties very regularly, on a weekly basis, had, as an agenda item in the program control group meetings, a review of risks.

THE CHAIR: There are a number of risks on that risk register that were listed as "unlikely", and I will run through some of those briefly. An "unlikely" risk, privacy risk, is, "Personal information is accessed due to it not being appropriately secured, stored or managed in MyWay+." That was "unlikely". "Failure to effectively achieve program benefits, including low rates of adoption, low rates of uptake of new technology, resulting in negligible increase in patronage." We have seen the patronage numbers for March. It looks like they have dropped. That was an "unlikely" risk.

"DDA compliance"—Disability Discrimination Act compliance—was on that risk register, that being "complicated by the wide range of tokens available for use". This was listed as "unlikely" to occur. "Poorly executed transition" was an "unlikely" risk. "Security and privacy assessment by ICT security may provide additional requirements not already identified": that was an "unlikely" risk, and we know now that, since March, you have a privacy review going on by Maddocks, a third party.

I am curious as to why all of those very unlikely risks were rated as "unlikely". I put in a question on notice saying, "Did any of these unlikely risks occur?" The answer that came back, Minister, was that none of those risks occurred. With those things that I have read out, do they sound like a description of things that happened on MyWay+?

Mr White: In relation to those, I do recall the QON, and I also make the point that the risk register provided to you was at a point in time. That point in time was September.

THE CHAIR: We had two risk registers. There was one that was dated and one that was not. Perhaps you could tell us the date of the undated one.

Mr White: I would have to take that on notice, but I do know that I provided one that was dated September.

THE CHAIR: Please do. The question on notice that I got back from the minister was that zero of the unlikely risks happened—that the unlikely risks did not happen.

Mr White: At that point in time, the risk rating was "unlikely". As we got closer to the events and closer to go-live, more information was provided to us, quite clearly, that those risks changed in rating—changed the likelihood rating, as well as consequence rating. That is normal risk management practice.

The second part of this, and something that is very important to note, because it goes to

the heart of a number of questions being asked by the committee, is that the project is not complete. These risks are still in place and, as you say, are manifesting in certain circumstances. We are applying our treatments appropriately to that, and alongside our partners in NEC and others. It is, again, standard risk management practice that we are employing.

THE CHAIR: When I asked how many of those unlikely risks occurred, and the answer was that none of those risks occurred, what you actually meant was that, as of September last year, none of those unlikely risks had occurred because the program had not yet started; is that what you are trying to tell me now?

Mr White: That is correct.

THE CHAIR: That is unusual. We will go back and have a look at the words and see whether that all matches up. This committee received the cybersecurity, CyberCX, third-party security assessment in September. Has NEC seen that?

Mr White: Yes, they have. I was watching the hearing this morning, and I note that Mark Messenger took that question on notice. I think he answered “no” to begin with, but I believe he has taken the question on notice.

THE CHAIR: Sure; that is great.

Mr White: In the production of that, in the finalisation of it, the review of it and working alongside the ACT CySO, NEC were involved with that.

THE CHAIR: That cybersecurity certificate, as of September, raised a number of concerns about the system and the software. That certificate suggested that the encryption software was not in line with best practice. It suggested that the software was reliant on end-of-life software. It suggested that the essential eight security elements were not all fully compliant. I lodged a question on notice; I asked about these issues and I got some very confusing answers back. I have the answers in front of me. Can you explain to me, with those three elements, whether they were a problem on launch day?

Mr White: Firstly, it was a risk assessment rather than a certificate. This risk assessment—

THE CHAIR: Okay, a cybersecurity risk assessment.

Mr White: Yes; it highlighted a number of those factors. I will pass over to Julian in a moment, but I will give you an indication and reinforce the response I gave to the previous question. NEC’s involvement in working through these identified risks was important for us to actually know about, including NEC exposing to CySO their encryption standards. I will hand over to Julian.

Mr Valtas: I have read and acknowledge the privilege statement. In relation to the system security plan and the risk related to encryption, the finding was that the ACT government encryption standard failed to align with the ISM, which is the commonwealth government’s information security manual, their standard. That is a

treatment that my centre is managing. We will update it.

The actual use of cryptography in the platform was not noted as part of that. Its use of systems like Amazon Web Services means that it is using contemporary encryption, so it was pertaining more to a misalignment with our ACT government encryption standard as opposed to the commonwealth's encryption standard.

THE CHAIR: Are you telling me that, as of launch date, the encryption standard was in line with best practice, or are you telling me that you are currently undergoing some kind of process to make sure that it will become in line with best practice in future?

Mr Valtas: Independent of the system, the whole-of-government standard, the governance document that defines how we do encryption, is in the process of getting updated. That has been flagged for update and it is due to be on our critical path for policy update. The system itself did not have a deficiency identified in its use of encryption.

THE CHAIR: In terms of relying on end-of-life software as of launch day, was it relying on end-of-life software as of launch day—MyWay+?

Mr White: There were two rounds of review. I described, in an earlier response to a question, how or where NEC were involved. CyberCX completed the first draft of their report. They then engaged with us again, and with NEC, had a conversation, and that conversation was very much saying, "Hey, we've identified these things which would give us a very poor assessment, particularly on end-of-life software. Before you go live, it needs to be updated." They were updated before going live.

THE CHAIR: They were updated. You are not going through a process at the moment to update them; they were updated and resolved on launch day?

Mr White: No; other than, Ms Clay, it is typical for systems to reach end of life. Again, I think Mr Messenger actually replied using words to that effect. He said that there are stages, or life-cycle stages. Because this is a system made up of multiple pieces of software, there will always be some that are nearing that end-of-life stage. But none at go-live were end of life.

THE CHAIR: I have one more that is confusing to me, because I have seen different things in the evidence. Mr Braddock asked about interoperability with New South Wales transport systems and whether this was part of the original project scope. The answer to the question on notice came back saying that it was not part of the original project scope. The risk register that this committee has received in camera does have interoperability on there. I will read it out, because I do not know any other way to do this. The risk management plan said:

Interoperability with New South Wales public transport is a project objective. A MyWay user in Canberra could use his or her MyWay card to access the public transport system in Sydney.

That was on the risk register that you gave us. It is an undated register, so I do not know when it is from. I have asked NEC at what point in time interoperability with New South

Wales first came up. Can you confirm for me: with this project scope, did you include interoperability and decide it was too hard, or did you actually not even consider that in the project scope in the first place?

Mr White: I will partly answer the question, firstly to make the point that I was not involved with the procurement of the contract and of NEC, so I would not know whether it was in the scope or not. I have seen the scope as stated in the contract and, as a program manager, I have responsibility for the delivery of that scope. In that contract there is no mention whatsoever of interoperability.

Mr Steel: We will go to Mr McHugh. There are broader conversations happening with New South Wales about potential future operability, because Transport for NSW themselves are going through a process of looking at a more modern ticketing system than Opal. There may be opportunities in the future to achieve an outcome where operability may be possible. I will hand over to Mr McHugh.

Mr McHugh: I am Acting Director-General of Transport Canberra and City Services today. Mr David Pryce sends his apologies; he is on personal leave. I have read and understood the privilege statement. In the development of the replacement for the old MyWay system, a lot of things were explored. This was before my time in this role; it was back in 2017, when these conversations first started. We would have given consideration to interoperability with other jurisdictions. We would have given consideration to all technology opportunities that were out there. The door was wide open, in terms of what was the best system to replace MyWay at the time.

We are part of national networks. As I have mentioned before, our ticketing experts sit on national forums where we talk about the systems that other jurisdictions are running and operating. We have a pretty good handle on how they are performing and where they are at, in terms of their status and when they need to be replaced.

A lot of that informed what our scope of work was when we went to market. There were some key elements that did not exist in any other system around the country at the time, and still do not, in most circumstances. We talk about account-based ticketing systems and a link to those open-loop payment systems. Some of the key objectives of our scope of work were to provide more opportunities to pay, to make it a lot easier to access.

Going to the minister's point, interoperability with the New South Wales government public transport payment system would have held back the capabilities of the current My Way+ system, so we decided not to include it in the scope of work.

THE CHAIR: I understand.

Mr Steel: In the future, if they move to a new system that potentially is operable with an account-based system like ours, there may be an opportunity. We have an open door with Transport for NSW, the New South Wales Cross-Border Commissioner and the New South Wales government in having a discussion about that, but it is not part of the current scope for NEC. It could be a potential future piece of work that could be considered.

Mr McHugh: The ability for anyone to turn up and pay with a credit card without

having a relationship with our system makes it, from a customer experience perspective, interoperable with anyone who goes into the territory. That was considered to be a step forward in making our system more accessible to more people more often, without having to link the back-end payment systems, for example.

THE CHAIR: With a My Way+ card; thank you. Ms Carrick, do you have a question?

MS CARRICK: Yes, I want to ask about the risk register. You have the project management group. Which risk register was tabled in the papers for the project management group?

Mr White: Thank you for the question, Ms Carrick. That risk register is, as I say, at the program level, so it was tabled at the monthly program governance forum.

MS CARRICK: Was NEC on that forum?

Mr White: No, they were not.

MS CARRICK: Which forum was NEC on?

Mr White: The project control group.

MS CARRICK: Which risk register was tabled at the project control group, where—

Mr White: NEC's risk register, the ACT Digital Accounts risk register, DDTs's independent projects risk register and, for a time, our communication and change risk register.

MS CARRICK: Four risk registers?

Mr White: For each of those streams, yes. When you are running a program of work, there are multiple streams of activity.

MS CARRICK: Can you provide us with those risk registers as at mid-October?

Mr White: I can do my very best for you. I will take that question on notice.

MS CARRICK: Whenever the project control group met, around mid-October, and the risk registers that were supplied?

Mr White: Certainly. I will take that question on notice, and I will do my very best.

MS CARRICK: I want to go to the contract. With the milestones in the contract, they are blanked out in the contract that we can see. In the response, when I asked about it, we do not get the milestones. What are the milestones and why don't we have a hard cut-off for the first phase for delivery or implementation? When does that finish?

Mr White: Can I answer your last question first; then go backwards?

MS CARRICK: Yes.

Mr White: In answer to your question, yes, we do. It is milestone 31, project completion. Again, Mr Messenger provided you with an answer to that—that they are currently forecasting that to be the end of September 2025. That is the hard cut-over date or milestone that you are seeking.

Going back further, what you were provided with was the published contract. With the redacted information, which takes out those other milestones, as you know, under the ACT procurement rules, the decision is by the vendor. NEC, in this instance, are the determiners of what should or should not be redacted.

MS CARRICK: I have asked for the milestones. I have asked you for the milestones. Between the two of you, can the milestones in the contract be provided, right up to 31, and then beyond?

Mr White: Certainly. I believe that that would be at NEC's discretion; again, they are the other ones who have—

Mr McHugh: We will take that on notice—

Mr White: Yes, absolutely.

Mr McHugh: and see what information, within the realms of disclosure, we can provide, given that it is commercial-in-confidence.

THE CHAIR: Thank you. If there is something that you cannot disclose, please be very specific as to the reason.

Mr McHugh: Reasons why; certainly.

THE CHAIR: This parliamentary committee has different powers of investigation than other channels.

Mr McHugh: Noted.

MS CARRICK: There were a lot of things that did not work when you went live. What was the milestone that you went live on?

Mr White: It was a combination of milestones. You will see that in even the publicly available contract. It talks about various elements that are contained in there. The go-live decision is not necessarily driven by specific project milestones; those milestones inform that go-live decision. These 31 milestones, which again we are hopeful to be able to provide to you, articulate the original delivery approach of NEC's proposal. It should be noted that it was varied and that those milestones were varied because the shape of our delivery approach went from a dual-phase to a single-phase delivery. If you recall, in the previous hearings, we discussed that and why we went to a single-phase delivery approach. In that single-phase delivery approach, those milestones clearly articulate five groups of functionality. For example, "platform hardware" has a stream of activities—on-bus hardware, mobile application, software services et cetera. The NEC's project is broken up into these five streams—actually six streams, because

I think they had a stream zero, and those milestones are reflected in there.

MS CARRICK: So they are the deliverables?

Mr White: That is correct, yes.

MS CARRICK: That is what NEC delivers by this date?

Mr White: Yes.

MS CARRICK: Ideally, that is what we want to see: what were the deliverables and by what date were they to be delivered? Assumably, when one goes live, you have all those deliverables delivered.

Mr White: Yes. Again, those deliverables are defined in the contract—they are defined by those statements. I still reinforce the point that the key milestone that we are missing here, and the key milestone that we have not achieved and the key milestone that we are working towards is project completion, which is the last one. That is when we make the assessment that all elements of contracted requirements have been delivered, both functional and non-functional.

MS CARRICK: Is that how most projects are done—that completion of your implementation stage is after you go live?

Mr White: I have been involved with technology projects for over three decades. This is a pretty standard development approach, including having the concept known as “minimum viable product”. So it is known, it is well-practised and it is industry standard, particularly in technology projects.

MS CARRICK: So this is where the user testing perhaps let you down. Or maybe it not the user testing, because there was user testing and there was feedback to the directorate that things were not working properly.

Mr White: Yes.

MS CARRICK: It was perhaps the identification of that feedback creating a risk.

Mr White: Sure. I would probably extend that to say that I think the problem in that space was more the fact that we collected this feedback. Any assumption that that feedback would instantly turn into results and improvements et cetera certainly was not an assumption that I was working on. These were from the community-based familiarisation testing, which provided us quite a lot of feedback. A number of those things have already found their way into an improved My Way+.

MS CARRICK: Who was responsible for taking the feedback and ensuring that it was put into the risk register for consideration by the project control group?

Mr White: It is not put into a risk register; it is actually put into a register of features and functionality that NEC maintained and is NEC’s responsibility—after all, they are building the product, not myself nor any ACT government employer. NEC Australia,

building this product, would take that information and synthesise it into various items for improvement or remedy or noting for future functionality. Let's not forget that a lot of the feedback also provided us with ideas around, "Gee, it would be great to have this in the future." But, if they are not considered in the original project scope, we cannot deliver it and we should not deliver it.

MS CARRICK: No, but did the stuff that was the core functionality and the feedback that it was not working properly make its way to the project control group for consideration?

Mr White: Yes.

MS CARRICK: In what form did it make its way back then, if it was not in the risk register?

Mr White: I have never ever provided that type of feedback through a risk register. I would provide it through communications directly to NEC in the form of an email or in discussions in normal workshops.

MS CARRICK: Can you provide the emails that went to the project control group about what the feedback was and the risks?

Mr White: Yes. I will just clarify that I would not send an email to the project control group. I chair the project control group. As such, I would have minutes where I would give instruction to NEC—"Here is this feedback being received"; "Here is this exposure of the register that we are keeping," et cetera. So, of course we can provide—

MS CARRICK: Can we have the papers then that went to the project control group that identified the feedback and the issues that were impacting on the core functionality?

Mr White: I will take that question on notice, Ms Carrick.

MS CARRICK: Thank you.

MS TOUGH: Thank you, Minister, for the additional submission earlier today. It talks about a couple of things that are in progress or happening. One mentions the vending machines by the end of this month. Do you have the timing on how that rollout is occurring across Canberra and whether some will be ready before others, and what is happening there?

Mr Steel: Yes. I will hand over to Transport Canberra to provide an update.

Mr Valtas: Mark, you will have the latest date and times on the delivery of each of those. I am happy for you to share that.

Mr White: Thank you. I was informed yesterday that NEC had finally received their Certificate of Electrical Safety for the TBNs. That allows them to go to their insurer, which allows a very safe installation to begin from next Monday. They have a program of works that will take two weeks. Two weeks from Monday, 5 May, is 19 May to be complete.

MS TOUGH: Wonderful. In the additional submission you did not mention fitting out buses with the new system. Is there an update on where that is at?

Mr White: Certainly. The last configuration of bus that we are looking to do is the Irisbus. They are a rather older bus; so we sort of put them further down the priority list. NEC and their subcontractor have completed the fabrication of the units that will allow MyWay+ to be installed and meet DDA compliance, obviously, as all others have. That installation, I believe, will be commencing from next week—monitoring conversations between our workshops and coordinating the schedule and the availability of those buses.

Mr Steel: On the comment that was made earlier around patronage, the raw patronage numbers—which I think we have provided on notice—up until the end of March are affected by the fact that some buses are not actually equipped with the MyWay+ validators, and so they cannot record trips taken on those buses. When we have more buses fitted out, we expect that the patronage will actually jump up.

Transport Canberra have been doing some back-of-the-envelope modelling looking at what it would be potentially if we had all of the buses fitted out. We expect patronage to be much higher than the level that we had provided to the committee, which was just the raw numbers based on the buses that are fitted out with MyWay+. So it will get better over time. What we think we are experiencing at the moment is an uptick in patronage, compared to months in the previous year, noting that bus patronage is seasonal.

MS TOUGH: On that, if you are doing some modelling, are we able to get an indication on how much higher it is looking?

Mr McHugh: Yes. I would be more than happy to share that, noting some caveats, the datasets that we use to do the modelling have, I guess, some weaknesses. We use door-count data from light rail vehicles, for example. They are not an exact tap-on tap-off, but we use them to compare to other door-count data, and then you get a feel for ratios. If we use that data and some other similar datasets, indications are that we will continue to see growth of patronage, even post the go-live date. We would be happy to share how we have done that analysis, along with the caveats on why we are not publishing it.

MS CARRICK: Yes, they are underpinning assumptions.

Mr McHugh: Assumptions, absolutely.

MS TOUGH: That would be great. Do you have an indication on when those buses will be fitted with the new system, so you have better data collection on patronage?

Mr McHugh: Our expectation is that, over the next few weeks, that will be concluded, and we are planning to report what we would consider accurate data in our annual report at the end of this financial year.

Mr Steel: The buses that were planned to be fitted out will be completed. But, of course, there are the buses that are due to be retired, where we did not plan to fit those with the

MyWay+ system, and they will take longer to phase out. So there will still be a number that do not have the system. Transport Canberra are very closely managing those, as far as they can, to try and reduce the use of those buses on the network, but some of them will be in operation. That does affect the patronage data that comes through. But with one new electric bus being received a week, over time we expect those buses to be phased out. They are close to retirement already, which is why they have not been fitting with the system. We expect patronage will then, over time, reflect the true number of passengers that we are actually seeing on the system.

MS TOUGH: Wonderful. Thank you.

THE CHAIR: Mr McHugh, you have taken on notice that modelling. Can you just tell us the date range for the modelling that we will see?

Mr McHugh: It will be up to the end of the most recent month before we present it. So we will do a month-on-month comparison.

THE CHAIR: So modelling up to now? This is not future modelling. Are you going to give us future modelling for what patronage you expect?

Mr McHugh: We have not done the future modelling yet. But, based on the assumptions that we have got, you could forecast.

THE CHAIR: Right. So you are going to give us modelling based on what you think patronage was, as opposed to what the data shows?

Mr McHugh: Correct; based on the reasons that the minister just explained around the lack of—

Mr Steel: I do not think we have the April raw numbers. We gave you up until March, but the month has only just ended. We might see whether we can provide you with the April raw numbers as well as what we think it probably was, based on some of the assumptions above that.

MS TOUGH: Thank you.

MR CAIN: Minister, at the last hearing I asked who advised you that MyWay+ was ready to go live. You indicated it was officials from TCCS. I asked who in particular gave you that advice, and, Mr McHugh, I believe you said that that was you.

Mr McHugh: Correct.

MR CAIN: Mr McHugh, could you describe the, I guess, briefings that you provided to the minister during the formation of the MyWay+ program? What was the frequency? What was the character? What type of correspondence or communication did you have with the minister as you were giving him advice on this implementation?

Mr McHugh: I can speak in general terms. There is a lot in that question—

MR CAIN: The more particular the better.

Mr McHugh: On the more particular the better in terms of frequency type, I would have to go back and reflect on my diary over the last number of years. We, typically, for the period leading up to now have met on a weekly basis with the Minister for Transport to brief him on all matters. I would have expected that MyWay, as a project, would have been involved in the majority of those, as a brief update or a more detailed update on a verbal basis in most cases.

MR CAIN: How frequently were those?

Mr McHugh: We would typically brief weekly. I would not say that MyWay+ was a topic on every one of those. There would have been a series of written briefings at particular stages of the project's development. They may have been quarterly or every few months or maybe even longer than that, where critical decisions or guidance needed to be provided from government to the director on the delivery of the project. For example, there were also submissions to cabinet and government in terms of a consideration of shifting from a multi-phase to a single phase. There were a range of different forums.

MR CAIN: For the 12 months prior to the go-live date, could you provide this committee with either a summary or the record of your meetings with the minister?

Mr McHugh: I would be happy to take that on notice, Mr Cain.

MR CAIN: And any of the company briefings and papers that you provided to the minister?

Mr McHugh: Yes, we will take that question on notice.

MR CAIN: Were you at any stage during these briefings pressured by the minister or his advisers to speed up the go-live date for MyWay+?

Mr McHugh: Definitely not.

Mr Steel: In fact, I made a deliberate decision to actually push back the go-live date, which has been documented in a brief.

MR CAIN: Why did you do that, minister?

Mr Steel: Because the number of buses that had been fitted out with the hardware was not what we expected. And so the purpose of the—

MR CAIN: Sorry, what do you mean by that?

Mr Steel: Each bus was being fitted out with the MyWay+ validator hardware to operate the new ticketing system. We had expected that a greater number of those buses would have been fitted out with the hardware. But it came to a point where Transport Canberra and NEC had not reached the target. And so I made a decision that we would push back the go-live date on that basis.

MR CAIN: What was the target? What target are you talking about?

Mr Steel: I think that brief actually was provided publicly, so you can have a look at the brief. It is all in the brief.

MR CAIN: Sorry, are you able to tell the committee now what that target was?

Mr Steel: We would have to take it on notice anyway.

Mr McHugh: There were numbers and percentages that we would have to refer to in the brief.

Mr Steel: Maybe in the question that we take on notice we can provide a link to the brief, which I think has been made publicly available. So I guess the other point that I make is not just the fact that I pushed back the go-live date—not by much, but by a week or two—but that the period of caretaker before the election obviously did affect the frequency with which Transport Canberra was briefing me—on all matters related to transport, but also in relation to the MyWay+ system. So obviously caretaker conventions were in place, and they were briefing me in accordance with the caretaker conventions.

Mr McHugh: My summary can further detail that impact.

MR CAIN: So when Mr McHugh gave you the assurance that the system was ready to go live, those targets had been met? Is that the case?

Mr Steel: We can take the question on notice. There were a series of written briefings and in-person briefings that led to the go-live.

MR CAIN: What I am getting at is: what were the crucial elements that were satisfied, that had not been previously satisfied, which gave Mr McHugh the assurance to tell you the system was ready to go live?

Mr McHugh: I will be happy to answer that question if you like. So, we had a series of conversations internally about what we required as the minimum viable product before we were confident the system could be operational. Some of those were related to meeting the absolute minimum requirements in the system and its operation; its functionality from a back-end perspective and that being completed; and being able to prove that the payment methods were safe and that that system operated.

The other was around hardware and the minimum number of buses on the road—noting that we were installing four or five more buses per day in the fit-out phase of the project—so that number changed fairly rapidly. What was the minimum number that we needed, to give the best customer experience outcome from day one and minimise the risk that someone was encountered with a bus that did not have the technology on it for a minimum period? They were the types of conversations we were having before I was confident, and provided with information that gave me confidence, to advise government to go live.

MR CAIN: Can you give us some sort of indication with a very specific detail of what

were you satisfied had happened before you gave the minister that advice to say the system was ready to go live?

Mr McHugh: I think that a lot of that information is captured in the brief to the minister with the recommendations, so I would be happy to refer to that in the question taken on notice in sharing that information.

Mr White: Mr Cain, if I could also add: we also had an independent project assurance undertaken in the month before we went live. They provided us also with some written advice.

MR CAIN: Sorry, remind me by whom was that being undertaken?

Mr White: A company called Projects Assured.

MR CAIN: And are you able to provide this committee with—

Mr White: I believe we have provided it previously.

Mr McHugh: Yes, we will point you to that.

MR CAIN: And they lined up with your conclusion?

Mr White: Certainly, but it was not necessarily, you know, that all things are tickety-boo. They highlighted various risks. It was quite a balanced report. But it was one that, on the balance of their assessment, they felt that it was appropriate for us to go live.

MR CAIN: We have not heard from them at all during these hearings, I believe.

MS CARRICK: I have just got a quick one: if there were not enough buses with readers to go live, how did you have time to test them?

Mr McHugh: Based on our advice, we did have enough buses with readers to go live. That is why we made the recommendation.

MS CARRICK: No, but the minister delayed it a week or two, so there must have been a big rush at the end to get the readers into the buses.

Mr McHugh: No, there was not a big rush at the end. The readers were going into the buses at a rapid rate from the first day. They were going in at a similar pace for the duration. Our forecast for that was not quite met, and that was when the minister advised us to extend the go-live date by a period and to allow another, I think, week and a half of additional bus-install to get us up to—I think it was in the range of 75 per cent of the fleet.

MR BRADDOCK: A series of questions about accessibility. Firstly, why is the accessibility review happening now, more than six months after the go-live and Canberrans have been struggling to access the system?

Mr Steel: Yes, look, I think we have previously expressed disappointment to the community that the work that NEC has been doing on accessibility is not as far progressed as we would have hoped. But certainly the work that they have been doing to audit will provide a good basis for improvement, and Transport Canberra can talk to that work.

I met with NEC myself to, again, seek assurances from them that they were prioritising this work and that they were doing it as a matter of urgency. I was certainly assured by them that they are taking the work seriously, and the work that they are doing with the auditor will provide a deeper level of accessibility than just the standard itself. They are going to extra lengths to try and make sure that it provides that level of accessibility that we would expect, beyond what is in the contract. And that includes, I understand, a level of user testing as well, with people with a disability, which was certainly pleasing to hear.

I understand that an auditor is currently working with the Victorian government on the myki provider, as they look to make improvements to myki as well. So they certainly come with some experience and I have laid down my expectations that that work happens as fast as possible, but making sure that that element of the project is delivered within this phase of the contract.

MR BRADDOCK: Sorry, I will just jump in with a further question, because the government knew, in terms of the MyWay+ contract, that DDA compliance was not required during the development phase, only during operational. Yet the government still made the decision to go live with developmental software, which it knew had no requirement to be DDA-compliant under the contract. Why was the decision made to go ahead with a non-DDA-compliant software?

Mr White: When we look at DDA compliance, it is a very broad and wide topic, and the areas for measurement go beyond websites. They encompass all matters to do with public transport. So the audit is already describing that and the scope of the audit is quite significant, including areas that go beyond just NEC's responsibility. So their purview in this is beyond that scope.

Secondly, the areas in which they are compliant are being understated. I think I made this example in the last hearing. You could have 100 data points required for DDA compliance. You could have 99 out of 100 of those ticked off and you would still be considered non-compliant. So I think we need to actually understand that this is not a whole-slather, system, end-to-end, non-compliance matter. This is pockets and small items and areas. Yes I do accept this is inconvenient to the community that would rely on full compliance; however, I am stressing that this is not a systems-wide problem.

MR BRADDOCK: So what information about accessibility was provided or considered by the government in approaching that go-live decision, noting that you knew there were issues of accessibility in the system?

Mr White: Want me to answer that?

Mr McHugh: Yes, please.

Mr White: Yes. So, again, part of the assurances that were provided to us by NEC ranged from everything like banking security through to DDA compliance. So, a number of features. And, as I say, I think I could name probably 40 areas of expectations that we had on NEC and that were being asked of NEC regarding their assurance for go-live. A number of those elements were independently looked at by Projects Assured, as well.

So when it came to their assurance that they were ready to go live—if it was in a matter of DDA compliance—we were also given the assurance that, whilst we might be going live with some parts of it not being compliant, we have a work plan and we have scheduled activities to meet that compliance. You are seeing that play out now, admittedly later than we would have liked, but certainly that is what is happening because the project is not complete yet.

MR BRADDOCK: So what information did NEC provide to the government prior to that go-live, about its accessibility readiness?

Mr McHugh: I think we might take that specific question on notice.

MR BRADDOCK: Okay, I also note that the brief to the minister about the go-live did not address accessibility. So why did the directorate not provide any information about accessibility?

Mr McHugh: Look, again, to Mark's point: based on all the information that we have been provided by NEC on their requirements to meet elements of their contract, non-compliance with DDA for the components that we are talking about today was not identified in that information.

MR BRADDOCK: So, when did the government become aware that there was a DDA compliance issue?

Mr McHugh: It was within days of go-live when that hard question about a particular element—being, I think, the customer portal—was asked, and it was acknowledged at that time by NEC that at that stage it was not compliant.

MR BRADDOCK: Have you had any correspondence with the Human Rights Commissioner about non-compliance? Has the territory sought any legal advice about this non-compliance with the legislation?

Mr White: We will take that on notice, Mr Braddock, but I do believe that, as a consequence of the outcome of the accessibility order being currently undertaken, it will be a component within the work plan.

Mr McHugh: And I can add that we are conscious of the government's positive duty to take all responsible and proportionate steps to eliminate discrimination. We are committed to that duty and in engaging NEC to provide us with a compliant system. We feel like we will achieve that commitment, and we will work with them to get that done as soon as possible.

MR BRADDOCK: Why did you not achieve that commitment prior to going live and

actually having Canberrans interface with the system?

Mr McHugh: The commitment is to achieve compliance. That is in the contract, and we are working towards that.

MR BRADDOCK: Okay. I might leave it there.

THE CHAIR: Yes, I have a supplementary and Fiona has a supplementary.

MS CARRICK: Mine is about the DDA compliance. Was it a deliverable? Was it in the milestone schedule and a deliverable prior to launch?

Mr McHugh: Not quite. It is in the requirements of the contract for a system compliant with all legislation, but it is called out. It is not called out as a specific milestone because it would find itself in a lot of the different milestones in different ways—either from a hardware perspective, a software perspective, or an accessible website as well.

Mr White: And, ultimately, it would also feed into that final milestone: milestone 31, project completion.

MS CARRICK: Can you provide the work plan or the schedule that you had at launch date for it?

Mr White: We are talking accessibility audit?

MS CARRICK: For DDA.

Mr White: Sorry, Ms Carrick. I do not know whether you are aware that we are conducting an audit at the moment, which will lead to a work plan.

MS CARRICK: So you did not have anything about where you were up to with DDA compliance when you launched?

Mr White: No. I think we just mentioned that, Ms Carrick. It was not brought to our attention until after go-live. And at such time, we then asked NEC to take action. The action that they have taken is to engage with a very well-respected accessibility auditor who is now conducting their audit—a very well-respected firm, who is also working with other public transport operators.

MS CARRICK: Okay, thank you.

THE CHAIR: I will just supplement. DDA compliance, or rather DDA non-compliance, was noted on the undated risk register that has been provided to this committee, and it was one of the things that was listed as unlikely. So—

Mr White: Sorry, Ms Clay, I should have allowed you to finish, but that was a risk register written in September. We were not informed of that non-compliance, so therefore it was unlikely to occur because we would have expected our vendor to be adhering to that.

THE CHAIR: Sure. The minister has responded to my question about how many unlikely risks in this project actually occurred: zero risks identified as unlikely occurred as at launch date, 27 November 2024; zero risks identified as unlikely occurred as at 12 March 2025.

Mr White: I would have to take your question on those on notice. I will seek the—

Mr Steel: Yes; we will take that question on notice.

THE CHAIR: I am very confused as to why it is on a risk register. It has happened. We are now told that it did not occur to you and, also, it did not happen.

Mr White: It is possibly a terminology error or concern or an interpretation error on our behalf, where we felt that the question was: “Is the risk still extant? Was it in existence?” Yes; the risk is still in existence. It has not changed at all. We are taking it on notice.

THE CHAIR: So you are still rating DDA compliance as unlikely?

Mr White: No; I am not.

Mr Steel: No. But we will take the question on notice and respond to it once we have looked at it.

THE CHAIR: We will move on to Mr Emerson for a question.

MR EMERSON: Thank you. I want to pick up on some of the threats. Earlier this morning, we heard that the accessibility assessment that is occurring now was considered prior to the rollout and a decision was made not to do it. Who made that decision?

Mr McHugh: I am not sure who provided that advice. Sorry, Mr Emerson.

MR EMERSON: Regarding some of the accessibility testing that is happening now, NEC indicated that consideration was given to doing that before the rollout. I asked them the same question this morning and they described it as a joint decision, but, Minister, today you expressed your disappointment that the current system is non-compliant. I am trying to understand whether they gave misleading evidence this morning or it was, in fact, a joint decision.

Mr McHugh: It could have been a joint decision within the project team at the time, but we can take that question on notice and confirm when that decision was made and by whom.

MR EMERSON: That would be helpful. Joint decisions are like mutual break-ups—did you say it at the same time, or who actually made the decision?

Mr McHugh: We can provide a summary of how the decision was made and in which forum.

MR EMERSON: Thank you. Have you assessed the non-compliance of the current system as it stands, not just with the Disability Discrimination Act but also with the ACT's disability inclusion act, the Anti-Discrimination Act and the Human Rights Act?

Mr White: I can answer. Your question would be best answered by seeing the scope of what the audit covers. Again, I do not think it differentiates. The experts involved in the firm who are conducting this audit are hyperaware of all of the legislative requirements across all of the various jurisdictions that they operate in. I have no doubt that they would be aware that they cannot pick and choose legislation to comply with or not comply with, and it would certainly be expressed in their scope. Mr Emerson, we will take your question on notice and provide you with the scope statement, or we will ask NEC to provide it—the scope statement of their engagement with Get Skilled Access.

MR EMERSON: Thank you. Is your current understanding that, as it stands, the ACT government is violating at least one piece of federal legislation and potentially three pieces of ACT legislation—that not being DDA compliant means we are contravening the law?

Mr McHugh: As I mentioned in the answer to a previous question, the government has a positive duty to take reasonable and practical steps to avoid discrimination of all types, and we would see that the actions that we are taking with our engagement of NEC to provide a compliant system with the legislation are meeting those expectations and those duties.

MR EMERSON: Earlier today, NEC said that they do not believe they are currently in breach of their contract requirements, but we are hearing that it is not DDA compliant. Is that because of a failure in the contract or is it your assessment that they are in breach of their contract? Part of the remit of this inquiry is that we are looking at the procurement process.

Mr McHugh: I think Mark has explained that, within the contract, the project completion phase is when they would need to meet all of the requirements of the scope, and, if they were non-compliant at that point, from an assessment perspective, then that would be in breach of the contract. But, until we reach that point, they are working within the scope of the contract. The time frame question is one that would be subject to project management principles and approved extensions of time and the like, and it is potentially one that we can take on notice to provide some context.

In that light, and noting your questions around contract management and compliance of the contract, I can confirm that the territory has corresponded with NEC, notifying them of our expectations of project completion and compliance with the elements of the contract. That may relate to the topics that you are talking about at the moment. There is active contract management negotiation happening between the parties. NEC have not responded to that correspondence yet, but, when they do, we will work through those things.

MR EMERSON: Do you accept that it was a mistake to not require full DDA compliance prior to go-live? I understand your point, Mr White—that we have maybe 99 out of 100 points of compliance—but that 100th person is a person with a disability

who cannot use this system. Frankly, I do not think that they care about the other 99 points. Is the government's position that there has been a mistake in the rollout process?

Mr Steel: It is important to say that, when we have talked about conformance, what we have talked about is conformance with the WCAG 2.1 standard. That is the basis upon which I think Mr White had been talking about various different points of accessibility across the system. That is just to put it in context. I do not know whether you want to put some further—

Mr White: Yes. I take your point, Mr Emerson. I think I expressed at the time of making that 99-out-of-100 comment that I accept that there will be people that will not accept it as satisfactory. I take that quite personally and professionally. It hurts. We are working in a very positive way to get the compliance or conformance upwards. We are closing a number of contract issues and outstanding contract deliverables. As I say, we have not completed this project. I am still on it; I am still active. Every day, I wake up and attend to things that require closure. The work that I do covers things like: “How are you going on this?” or “How are you going on that?” and “How are you going on the matters of accessibility?”

I am informed on a very regular basis that NEC had this matter in hand. I am informed that they have engaged. I have spoken to them and engaged with them as well. Some highly respectable consultants are looking at addressing this. Not only that, and reinforcing what the minister said about his engagement with NEC the other day, they are also instituting a forever change within NEC—that NEC need to actually change their practices and their approaches with their next client, not just us. It is not just about them delivering a fix; it is also about our vendor making permanent change. Our change is already being expressed.

MR EMERSON: Given all that has unfolded, do you accept that it was a grave mistake to not undertake the accessibility assessment that is being undertaken now? Whether or not it was your mistake, do you accept that was a mistake?

Mr White: Again, I will take your question on notice.

Mr McHugh: I am happy to answer that.

MR EMERSON: I do not think you can take that on notice.

Mr McHugh: I will answer that question, Mr Emerson. The purpose of the hearings of this committee is to learn from what we experienced in the rollout of MyWay+. There is no doubt.

MR EMERSON: Correct.

Mr McHugh: We have acknowledged a range of things throughout these hearings and have publicly acknowledged that there were things about which, if we had known that they were going to occur after go-live, we may have made different decisions. Absolutely, we regret some of those things. We have delivered a public transport service for this community. We have not left anyone behind, no matter the need they have. We have made sure people have been picked up and dropped off at bus stops. It

is irrelevant whether our system was compliant or not. I want to reassure the community that the commitment of delivering a public transport service for them has not changed one iota and we are committed to make it accessible for all people.

Did we make some mistakes in our decision-making prior to go-live? In hindsight, I would admit that, if on the day before go-live I had known everything I know now, I may have provided different advice—absolutely.

MR EMERSON: Thank you. I have a very quick final question. On the violation of the various pieces of anti-discrimination legislation, has the government done any work on calculating the potential costs should any lawsuits be brought against the government or should the Human Rights Commission—

Mr Steel: I do not think we accept the premise of your question. When we were talking about conformance before, it was in relation to the WCAG 2.1 guidelines, not necessarily directly in relation to the Anti-Discrimination Act or the disability inclusion act. We have already taken on notice a question in relation to that, but Mr McHugh has already provided an answer around the positive steps that we are taking with the partner, NEC, to be able to address the issues. You may still be able to ask the second part of your question.

MR EMERSON: Have you done any work on calculating the costs should it become clear—and we will find out with your question taken on notice—that the government has violated a law with this rollout?

Mr Steel: Yes. We might try to answer that with the other question.

THE CHAIR: Mr Cain, do you have a supplementary?

MR CAIN: What is the project completion date by which NEC will be held accountable?

Mr White: NEC informed you in this morning's session that they are currently working on milestone 31 being completed by the end of September 2025.

MR CAIN: I think they said the operational stage began on 27 November last year.

Mr White: That is correct. That is the go-live date.

MR CAIN: What was the September date again?

Mr White: I did not hear a specific date, but they said it would be September 2025. As a project manager, I assume that to be 30 September 2025.

MR CAIN: Thank you.

THE CHAIR: Unfortunately, we have many more questions, but we are at the end of our time. On behalf of the committee, thank you for your attendance today. A number of questions were taken on notice. Please provide your answers to the committee secretary within five business days of receiving the uncorrected proof *Hansard*.

PROOF

Members, we have five business days from today to lodge further questions on notice. There may be a number. On behalf of the committee, thank you for assisting us with your experience and knowledge. I thank broadcasting and Hansard staff.

The committee adjourned at 4.01 pm.