



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**STANDING COMMITTEE ON ENVIRONMENT AND
PLANNING**

(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**

TRANSCRIPT OF EVIDENCE

CANBERRA

THURSDAY, 3 JULY 2025

**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.

WITNESSES

McHUGH, MR BEN , Deputy Director-General, Transport Canberra and Business Services, City and Environment Directorate.....	177
STEEL, MR CHRIS , Treasurer, Minister for Planning and Sustainable Development, Minister for Heritage, and Minister for Transport.....	177
VIRTUE, MR GEOFF , Executive Branch Manager, Communications, Transport Canberra and Business Services, City and Environment Directorate ...	177
WHITE, MR MARK , Executive Branch Manager, Transport Canberra and Business Services, City and Environment Directorate.....	177

Privilege statement

The Assembly has authorised the recording, broadcasting and re-broadcasting of these proceedings.

All witnesses making submissions or giving evidence to committees of the Legislative Assembly for the ACT are protected by parliamentary privilege.

“Parliamentary privilege” means the special rights and immunities which belong to the Assembly, its committees and its members. These rights and immunities enable committees to operate effectively, and enable those involved in committee processes to do so without obstruction, or fear of prosecution.

Witnesses must tell the truth: giving false or misleading evidence will be treated as a serious matter, and may be considered a contempt of the Assembly.

While the committee prefers to hear all evidence in public, it may take evidence in-camera if requested. Confidential evidence will be recorded and kept securely. It is within the power of the committee at a later date to publish or present all or part of that evidence to the Assembly; but any decision to publish or present in-camera evidence will not be taken without consulting with the person who gave the evidence.

Amended 20 May 2013

The committee met at 8.59 am.

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, City and Environment Directorate

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

VIRTUE, MR GEOFF, Executive Branch Manager, Communications, Transport Canberra and Business Services, City and Environment Directorate

THE CHAIR: Good morning, and welcome to the third public hearing of the Standing Committee on Environment, Planning, Transport and City Services inquiry into the procurement and delivery of MyWay+. Today the committee will hear from the Minister for Transport and officials.

The committee wishes to acknowledge the traditional custodians of the land 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 our region. We would like to acknowledge and welcome any other Aboriginal and Torres Strait Islander people who might be attending today's event, or who might be watching from elsewhere.

Please note this housekeeping. All mobile phones and laptops are to be switched off, please, or on to silent, during the hearings. Witnesses, please speak one at a time and directly into the microphone. This helps Hansard hear and transcribe accurately. I will step in if people are speaking over the top of one another. I will also step in if answers are very long, and I will ask people to be a bit more concise; we have a lot of material to go through today.

These hearings are legal proceedings of the Assembly, and have the same standing as proceedings of the Assembly itself; therefore, today's evidence attracts parliamentary privilege. The giving of false or misleading evidence is a serious matter and may be regarded as contempt of the Assembly. The hearing is being recorded and transcribed by Hansard, and it will be published. The proceedings are also being broadcast and web-streamed live. When taking a question on notice, please use the words, "I will take that question on notice." That helps the committee and our witnesses, and it helps our secretariat to track down the answers.

Welcome Mr Chris Steel, Minister for Transport, and officials. Officials, when you first speak, please state, for the Hansard record, your name and the capacity in which you are appearing. All of our witnesses, please note that you are protected by parliamentary privilege, and you are bound by its obligations. You must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered a contempt of the Assembly. We are not inviting opening statements. If you wish to provide a statement, we are happy to take anything in writing.

I will begin with the first question, which is about contract milestones. On 30 May our committee received the full unredacted contract between the government and NEC, including the contract milestone dates. Those milestones were redacted from the public

version, so I think the people on this side of the panel and that side of the panel have seen this, but members of the public probably do not have any of this information.

The original contract was signed in February 2023, and it had 31 milestones, including milestone 30, which was “practical completion and acceptance of full system go live”, and milestone 31, which was “project completion”. Those milestones were meant to be completed within 19 months of signing. So they were meant to be completed by September 2024, before MyWay went live.

On 31 October in 2023, TCCS varied those milestones. TCCS changed those milestones so that practical completion would be by April 2025, and TCCS changed those milestones so that full acceptance would be by June 2025. That is quite a long time after go-live, when the original was very clear that these things would be done before go-live. We have seen the difference between full completion and a service that is not complete. Can you explain why you varied those milestones?

Mr McHugh: I think there has been lots of information shared in previous questions on how the project delivery methodology changed from a single-phase cutover to a multiphase cutover—or vice versa, sorry. That, primarily, was the driver for the change in the project’s program, and that was based on addressing significant risk that we identified in reviewing the initial submission from NEC in the delivery.

So we have answered that question, both through questions on notice and through previous hearings. I will throw to Mark White to provide some detail around why those dates shifted, but the premise that the original procurement was based on, was effectively a 12-month period where fares may not have been able to be collected through the ticketing system—which was identified as a significant risk to the operations of the system, from Transport Canberra’s perspective—to a single-phase cutover, where we could move and shorten that risk period down to six to eight weeks.

THE CHAIR: Mr McHugh, was the risk that TCCS would lose their revenue, or was the risk something else?

Mr McHugh: The risk was multifaceted. Fare revenue was only one component of that. User behaviour and customer experience was primarily the driver, and the integrity of the system was another key risk. Fares obviously was a component but not the driver.

THE CHAIR: So, having written a contract that in hindsight looks quite sensible—“We will complete the project before we launch it live to the public,” seems pretty logical—TCCS has varied that contract to make completion of the project June this year but chose to launch in November last year. Why did TCCS decide to launch in November last year knowing that the project would not be complete until June this year? Or why did TCCS, having varied when the project would be complete, not vary the launch date?

Mr McHugh: Just repeating what I have just said: when we assessed the risk of the original delivery program, and those elements such as user experience, confidence in the system, and integrity of the system, we determined that we would have a much shorter period where people were interacting with our system from the old MyWay to the new MyWay to manage those risks. And the only way we could deliver that

shortened cutover period was to change the program and delivery milestones within the contract.

THE CHAIR: But Mr McHugh, you could have had that same short interim phase—early adoption phase—if you had launched the service in June and had a fare-free period until then.

Mr McHugh: In June of this year?

THE CHAIR: Yes.

Mr McHugh: That is a technical question. I would have to go back and have a look at exactly where the deliverables were in the new phase, but Mark White might be able to provide some additional detail on that.

THE CHAIR: We have the deliverables in the contract variation. I have them right here. I am probably primarily talking about deliverables 30 and 31, but we can talk about any of those variations.

Mr McHugh: Sure.

THE CHAIR: We have come at this before, but we never came at it before when we actually had the contract dates in front of us. We have the contract dates in front of us now. We had a contract set up in February 2023 that intended to have everything complete before launch. We understand the shift from multiphase to single phase. We have been through that in previous hearings. We do not need to revisit that, but the contract was varied to not be complete until, knowingly, seven months after the contract required the completion of the service. What I am trying to get to is: why did not you change the launch date and run a longer fare-free period? Is there any reason that that could not be done?

Mr White: I am going to be repeating a lot of what Ben just mentioned. An assessment of the risk and an assessment of the assumptions built into the multiphase delivery approach made that type of approach absolutely impracticable.

THE CHAIR: The approach of launching MyWay—

Mr White: What you are contemplating is to launch it into June 2025. One of the major risks—

THE CHAIR: Is it okay if I finish my question?

Mr White: Yes; sorry.

THE CHAIR: Thank you. What I am suggesting is launching MyWay in June 2025—not November 2024—and TCCS taking whatever steps are required to provide a bus service to Canberra, which needs to be continuous. Whether that is a fare-free system would be one way, but there might be other ways. That is what I am contemplating. Did TCCS consider doing that?

Mr White: At the time of the decision to support a change of approach, we were contemplating the retirement of the 3G network, which the old system was dependent on. That retirement date was communicated to us by the major telcos as being March 2024. Therefore, by your proposal, we would be talking 15- to 18-months-worth of fare-free periods.

THE CHAIR: So it is primarily down to fares. The buses—

Mr White: When you are talking that quantum, yes.

THE CHAIR: That's okay. We have now seen the contract milestones. We know that the contract is meant to be complete by 30 June 2025. Is the contract complete?

Mr White: No, it is not. We are currently engaged in contract discussions with the provider as to why it is not complete and what penalties we may be applying.

THE CHAIR: We know that the disability compliance is not complete. Can you briefly summarise the other aspects of the contract that are not complete despite the fact that we are now beyond 30 June?

Mr White: Sure. There are other pieces of functionality such as the group account, which will be released very soon. There are other components more in the functional back-end side of the system—that is, our data systems and data warehouse. Off the top of my head, there are other functionalities that we would be providing to the community as well as our operators—things that are enhancements to manage our transit systems as well as to manage our account-based ticketing.

THE CHAIR: I would prefer a detailed answer not a top-of-the-head, so could you take on notice, please, all of the elements of the contract that are not complete.

Mr White: I would absolutely take that on notice; sure.

THE CHAIR: And provide on notice any further information that you can about what steps TCCS is taking to get those complete to provide a service to Canberra, and contract compliance and penalties.

Mr White: I would gladly take that on notice, and we have done some work with NEC in defining exactly what is outstanding on the contract variations.

MR CAIN: Mr White, you mentioned the potential 15-month fare-free program if you started later. Was that a submission put to the minister, and was there any response, particularly from Treasury, to say not to adopt that approach?

Mr White: Again, repeating what Mr McHugh said earlier, the risk that we assessed, and fare-free periods, and the risk of losing our backbone of communication for the old system—that is, the retirement of 3G—were all factors that were laid out in our support for changing from a multiphase delivery approach to a single-phase delivery approach.

MR CAIN: Did Treasury express concern about having a long fare-free period?

Mr White: I do not recall, Mr Cain, but I am absolutely happy to take that on notice and see if we had any correspondence from Treasury on that.

Mr Steel: I think the point that Mr McHugh made earlier is that it is not just the revenue loss that was taken into consideration; it is about customer behaviour. If you have a long period of time when no fares are collected, and then you switch on a system, say, 15 months later, people would not be in the habit of paying for public transport and there would be a big behavioural change that was required to get people to pay again.

So there is a whole range of impacts. It is not just the pure revenue in terms of dollars, although that would have been a significant impact as a result. Obviously, the 3G shutdown was one of the major forces driving decision-making, and that did change over time, with the telcos then pushing back the phase-out date for 3G over time. But the decision around the change of the contract had to be made early, based on the information that the government had at the time about the 3G shut-off date.

MR CAIN: Minister, given what has transpired since the rollout and the problems with the rollout, in hindsight do you believe you would have been better to choose a delayed commencement date?

Mr Steel: In hindsight, certainly some of the elements were not as ready as they could have been. That is clear. But a lot of those were rectified fairly soon after our launch in November.

MR CAIN: That was not my question. In hindsight, do you believe a later commencement would have been a better option to take?

Mr Steel: Yes, I think a slightly later commencement probably would have provided a few options there—

MR CAIN: How late?

Mr Steel: —but I still think that the decision around the hard switchover minimised confusion for the community around the change from MyWay to MyWay+, and it would have been far more confusing if customers had both systems running at the same time, or, indeed, an interval in between systems that was larger than the six-to-eight-week period that was envisaged.

MR CAIN: So when would you have preferred to have commenced?

Mr Steel: Look, I am not going to go into historical revisionism of the—

MR CAIN: That is exactly what you are doing, though. That is exactly what you are doing right now.

Mr Steel: Well, that is what your question is about.

THE CHAIR: Mr Cain, we might be finished with that one.

MR BRADDOCK: As part of renegotiating those milestones, why did the government

consciously decide not to require Disability Discrimination Act compliance from the time of go-live but still left in a later milestone?

Mr Steel: I think we have addressed that in previous hearings, where we had been disappointed that it was not at the level that it could be. But we do have an update on where things are at the moment with NEC in relation to meeting the requirements under the contract.

Mr White: As we advised in the last hearing, Mr Braddock, NEC were conducting their accessibility audit and engaging a well-regarded firm, Get Skilled Access. They have completed their first phase of that assessment and have already made immediate changes to many of the electronic interfaces. That is obviously the customer portal and the MyWay+ app.

The customer portal has already reached and exceeded the WCAG 2.1 requirements, which is the sole requirement within the contract. The MyWay+ app has some work to be done on it, and there is part of a work program. There is a subcontractor that provides that app to NEC as part of their engagement and their relationship. So, we are tracking, and we are well and truly on target, to be fully compliant by the time the contract is completed.

MR BRADDOCK: You mentioned earlier that you are in the process now of, let's say, discussions with NEC about potential penalties for non-compliance with the contract. Will that include the Disability Discrimination Act non-compliance, and from which date would that be applicable?

Ms White: As I just expressed, there is no mechanism within the contract for us to penalise a breach of that, because the requirement was for that to be compliant by the time of the contract's completion—that is milestone 31.

MR BRADDOCK: Which was a conscious decision—

Mr White: That has now been varied to milestone 30.

THE CHAIR: Which is 30 June?

Mr White: That is correct.

THE CHAIR: That has already expired, so you are currently in breach.

Mr White: In the current variation proposal, which is the subject of further contract discussions.

MS CARRICK: You just said it was due to be compliant by the end of the contract.

Mr White: That is correct.

MS CARRICK: But it is not compliant in the contract. We have got past 30 June so how can it be due to be compliant by the end of the contract when we have already passed it?

Mr White: Sorry, I am not going to get into the pedantics of declaring about a contract, which is, as I said, subject to current contract negotiations and discussions. Part of those discussions is informing NEC that if we were to be bloody-minded and perhaps not be a model litigant, we would be able to enforce that; whereas I believe the ACT government does take the status of being a model litigant. Therefore, they negotiate and discuss with their suppliers and vendors on a practical way forward. That does include what we could or could not do with regard to contract enforcement.

MS CARRICK: It is not complete, so there needs to be a contract variation or discussions on when it will be, but to say that it was completed by the end of the contract is not right. It was not completed by June 30 so there will be negotiations about when it will be—is that right?

Mr White: Ms Carrick, I do not believe I have actually stated that it is compliant by the end of the contract. I am saying it will be compliant by the end of the contract.

MS CARRICK: A new contract, to be negotiated?

Mr White: That is right. Whenever milestone 30 is completed, it will be compliant by then.

THE CHAIR: I might just ask a very brief clarifying question here. There is contract compliance. There is also compliance with the law, and our committee has received some pretty clear advice about what compliance with disability law means. Do you think the system is compliant with the law at the moment?

Mr McHugh: The ACT government has a positive duty to eliminate discrimination under the Human Rights Act in the ACT, and that requires us to take reasonable, proportionate steps to address and eliminate discrimination in any of our systems, and we believe we can demonstrate that we are compliant with that positive duty requirement, and we could provide evidence to the fact through the work that has been undertaken and the work completed as part of this contract.

THE CHAIR: I might ask if you could take that on notice. We would like to see it on notice. Another committee member might want you to say it out loud but otherwise, take it on notice. We have the standards which set out clear minimum technical and service requirements that must be met in the law, and they include things like communication, audible and visible information, booking and ticketing systems demonstrating that you have provided equivalent access to the public without discrimination. If you can take on notice how MyWay+ is currently compliant with the minimum standards in law, that would be okay, but I do not—

Mr McHugh: As of today, absolutely. We will take that question on notice.

MS CARRICK: I have here the amending contract. I have a couple of questions about this, but here is the first one. The ACT government signed it in December 2023. NEC did not sign it until July 2024, seven months later. Why did you guys sign an amending contract in December 2023 and NEC did not sign it for seven months, given time is critical?

Mr McHugh: That does not sound correct in how we would manage that. If that is a contract variation or if that was the original contract but—

MS CARRICK: It is not the original; it is the variation. It is the variation. It took seven months for NEC to sign it. Were they not sure about it or something?

Mr White: I do not know. I think we did ask them to respond to that. I cannot speak on behalf of NEC.

MS CARRICK: Yes, but what following-up did you do? You had signed it in December 23, and time is critical with this whole project and how it is to be delivered. This changes the delivery from the multiphase to the single phase, so it is very critical about the delivery and the milestones.

Mr White: I could not agree more.

MS CARRICK: What following-up did you do to say, “Hey, it is critical to get on with this.”

Mr White: I am happy to answer that question. The follow-up was on an almost daily and weekly basis of engaging with NEC, and also working with their various people who are responsible for contract executions. I do not recall this specific example, but I can give you an example of how we actually work together. NEC actually had a very positive attitude towards this and worked in-principle to what was being varied.

So it is not as if they then stuck to their path and continued on the plan that was the multiphase delivery approach. They immediately swung into action as early, I believe, as October, and had changed their approach to the single-phase delivery approach, to not lose time and not lose traction.

MS CARRICK: So, interestingly, you changed the scope of the project without a contract in place for the change of scope?

Mr White: As you saw, we put forward a variation at the time. Now, with respect to the fact that it was not closed or executed at the time, I am sorry I am going to have to ask NEC why they took so long to actually close it off.

MS CARRICK: It is interesting to change scope without having a signed contract in place.

Mr White: But I think if both parties recognised that the path that they were on was not a successful one, or a path towards success, one would expect that—as I said—they would work in-principle towards a path of success. So they changed their approach to the single-phase delivery approach.

Mr McHugh: I think a way to answer your question, Ms Carrick, might be for us to ask NEC to provide in writing a response to support Mark’s answers around working collaboratively towards the variations. And if they have a technical reason on why the date was the date, we can share that, and take that on notice.

MS CARRICK: Thanks, because I would be interested in why they did not sign it for so long. But I am also interested in why you allowed the scope of the project to change without a contract in place.

Mr McHugh: We can answer that in the same question taken on notice.

MS CARRICK: Okay, thank you. My other question is about the change of scope to go to the single phase. It says in the contract that by going to the single phase, you simplify the task of Transport Canberra operations and customer support staff by ensuring that they are required to focus only on the operations of the new system rather than supporting the legacy and new systems in parallel for an extended period. In reading the justification for the proposed variation I see that a lot of it is about simplifying. In fact, the very first line includes “simplifying the transition message”. So it seems to be more about convenience. The justification is about convenience for Transport Canberra, and the messaging. So who was the expert in Transport Canberra that said that NEC’s scope of implementation was not the best?

Mr McHugh: I might quickly answer the first part of that. The simplification was not necessarily for Transport Canberra; it was for community and customer. Picture a situation where you have multiple systems operating on buses. Some might have two card readers on them, some might have one, and some might have none at any particular point in that multiphase rollout. The confusion that that would cause and, I guess, the challenge to the integrity of those systems altogether was a key driver for us moving to a single-phase cutover and a shorter period for the customers to go from one system to another system. The “simplification” reference is not necessarily only for Transport Canberra staff but primarily for our customers, and their experiences using our systems and our services.

MS CARRICK: So, rather than taking the advice of NEC, who is the professional expert in ticketing systems and how to implement them, the messaging to customers overrode NEC’s advice?

Mr McHugh: It would have been that plus all of those other considerations that we have already mentioned today. As I said, this was a multi-faceted decision. There were also the support systems, like 3G; the revenue impacts; the customer impacts; the staffing and workforce impacts. All of those things were taken into consideration when we made this decision.

MS CARRICK: Interestingly, you talk about customer behaviour, and that with the multiphase they would get used to not paying. I think you will find that people have got used to not paying now under the way you have implemented it. Even on the radio this morning, when they were mentioning this inquiry people were texting in and saying, “Another free ride this morning.” People are pretty used to not paying.

Mr McHugh: Is that a question or a statement?

MS CARRICK: Maybe it is a statement.

Mr Steel: Well, if it is a question, there are some further changes that are yet to be

made, and obviously we have made a budget announcement around enforcement of fare protection. So there are measures that will be put in place, particularly with bus network officers and decisions through the MyWay+ rollout around the reintroduction of penalty fares, for example, for not tapping off. A date has not yet been set for that. That will encourage people to make sure that they tap off. We have been in an educative period with the MyWay+ rollout. I think that that has been important and would have been the case with any new system, to make sure people had time to adjust.

Of course, part of that has been working with seniors, as well, and the work that we have been doing with the Council on the Ageing. We have announced an extension of time for the period in which seniors can use their seniors card as a flash card to access public transport to give the seniors community time to pick up a MyWay+ concession card. Tens of thousands have done that, but there are still some who have not. We have stepped up communications, talking with COTA for these next three months until September, when they have to make the final transition, to make sure that they are ready.

Yes, we are in an educating period. We always said that there would be, at the start of the new ticketing system. That would be required with any new ticketing system, but those communications would have been much more difficult if there were multiple different ticketing systems running at once.

MS CARRICK: I just have one more question before we move on. I know that now we are in the position we are in and trying to improve what the existing situation is, and I know that we have probably asked this question before, but we knew that 3G was turning off in March 2024, originally, and then it was extended. Why wasn't it all ready for March 2024? Why wasn't it all planned and ready with the new system by March 2024? Then, given the extensions, that would have been a bonus.

Mr White: Excellent question. If I may, March 2024 was probably communicated to us in September 2023 because there were original dates that were also discussed. So the 3G retirement was one of those things that probably took three years and had multiple shifting dates at the time. But March 2024 was the date that we were working with at the time when we were contemplating and considering all the risks associated with the proposed multiphase delivery approach.

I will just circle back to the multiphase delivery approach. That was NEC's response to the request for quotation, and their proposal of how they would deliver to the stated delivery requirements of Transport Canberra. As I said, we reviewed it, and we started to identify the number of assumptions on it. You mentioned the headline of the variation proposal to go from the multiphase to the single phase. I think you used the word "convenience". I do not think the word "convenience" is in there.

MS CARRICK: No. It seems to be convenient—

Mr White: We are talking about simplification. Simplification also goes to the systems. Running two systems off two different networks, off two different communication protocols, off two absolutely non-integrateable ticketing systems, is the level of complexity that we are talking about. So when you use the word "simplification" in there, it is not about convenience; it is about removing the huge risks there are in trying

to run such a massively complex dual system.

MS CARRICK: Presumably NEC is the expert, though.

THE CHAIR: I feel that we are going over the same ground.

MS CARRICK: Just one last thing. Was it a failure in planning not to have it all ready by March 24, when the 3G was turned off?

THE CHAIR: Is that a question or a very reasonable statement?

MS CARRICK: It is a very reasonable statement.

MR BRADDOCK: Just back to the minister and his point on the government's budget investment and enforcement operations and reintroduction of penalties. Why is the government doing this when there are still some Canberrans struggling at times to tap on and off with the MyWay+ system?

Mr Steel: We have not made a decision on the date yet. We are still in the education phase, but we have been looking at the data around people's behaviour on buses, and we are seeing very high rates of compliance in terms of tapping on and off, and using the various systems. There have been improvements, I think—possibly even since the last time we came to this hearing—in terms of the QR code. We have seen improvements to the way people are using that payment option. I will hand over to Ben and Mark just to provide a quick update on that.

THE CHAIR: I will just pause. Does anybody want a quick update on the QR codes, or are we happy to move on with other questions?

MR BRADDOCK: No, that is fine. I have just one clarification question. Has the government decided on a date yet, or announced a date, as to when that enforcement operation may begin?

Mr McHugh: We are developing a plan to present to the minister to consider, which we will run through the second half of this calendar year in multiple phases, as we have to recruit staff, train them, and get them on board so that they can go through an education period then an enforcement period over the next six months.

MS TOUGH: My substantive question is about some of the things that were with the old MyWay and have not yet come to MyWay+. Or maybe they have, hopefully. Under the previous MyWay system, the real-time information data was available for third-party app developers, and that helped a lot of people in different circumstances to be able to plan their journeys quite well. Then with MyWay+ the real-time journey planner did not always work for people, and there was not the data available to third-party app developers. Has there been any developments in making that real-time information data available to third party developers to allow them to create their own apps or use it through existing platforms that might be out there?

Mr White: The last part of your question I will answer first. The data to be available and accessible for third-party app developers was released three weeks ago.

MS TOUGH: Awesome.

Mr White: That data is, again, significantly more complex than the previous MyWay data. The MyWay data purely provided static timetable information, and the app developers would consume that. With real time, there is a level of complexity as you would expect. It is constantly changing, and it requires different technical connections, et cetera. We apologise that it took as long as it took to do it, but we were very comfortable that in the early stages of the MyWay+ app, particularly post January this year, we had real-time passenger information being reported on the MyWay+ app.

Mr Steel: I think it is fair to say that people have their different preferences about what app they use. We have seen the third-party app developers take up the new data feed very quickly.

MS TOUGH: Wonderful.

Mr Steel: A large number of them are now using that successfully, and we know that people with a disability in the community have preferred a particular app because they know that it works for them, so this does provide a further enhancement to accessibility for those people. It took a little bit longer than expected but it is now operational, and it is on the open-access data portal.

MS TOUGH: Thank you. Has the government needed to go about communicating this to existing developers or was it one of those things where once it was out there, people knew it was there and have jumped on it already?

Mr White: Thanks for the question, Ms Tough. As a matter of fact, the first developer had their app live within an hour of it being released. The same website that developers were very familiar with, which is the Transport Canberra site, launched off into the DDTS open data area, and then had the developer instructions there on how to consume the API. Since then, we have also had, I believe, six additional developers sign up.

MS TOUGH: Wonderful. Is there a communication pathway when there are improvements to the data, so the developers know there are changes coming?

Mr White: Yes. That same site is heavily populated with instructions and also communications on troubleshooting, et cetera.

MS TOUGH: Wonderful. I am assuming that, at the same time, there are improvements with using that data for the real-time journey planner that the government also provides.

Mr White: Yes. Well, it is the same data as it turned out.

MS TOUGH: Same data. Yes, perfect. Thank you.

MR CAIN: Minister, are there any current vulnerabilities either to personal information or money stored on the current card of MyWay+ or the old MyWay?

Mr Steel: I think we had a discussion at previous hearings about the constant need for

vigilance in relation to cyber security in any ICT system, so that is certainly part of what needs to continue. I will hand over to the team to talk about any particular issues at the moment.

MR CAIN: Bear in my mind my question is: are there current vulnerabilities to either personal information or dollars?

Mr Steel: I heard the question, thank you.

Mr White: Again, I believe we have provided the definition of “cyber vulnerabilities” to previous hearings. At the moment we are not dealing with any vulnerabilities. We are dealing with certain issues and identified risks, et cetera, as part of our cyber security management plan.

MR CAIN: What are the current vulnerabilities?

Mr White: Mr Cain, I just responded to you. There are no current vulnerabilities.

MR CAIN: There are no current vulnerabilities?

Mr White: No; there are no current vulnerabilities.

Mr McHugh: That have been identified.

Mr White: By the definition that we have provided previously to you.

MR CAIN: Is any private information at risk of being accessed by others or any deposited money on the old or new card potentially available to others?

Mr White: Mr Cain, you can ask that of every single system that is publicly facing today. You do realise that?

MR CAIN: So you are saying that there are vulnerabilities?

Mr White: The fact that it is connected to the public internet makes it liable to any form of cyber attack. The Qantas website is a classic example of that.

Mr Steel: There are always risks. They just have to be managed; that is the point I guess we are making.

THE CHAIR: I wonder if Mr Cain is asking if there are any known risks? Is that what you are asking, Mr Cain?

MR CAIN: Yes.

Mr White: Known risks?

MR CAIN: Right.

Mr White: Okay. Going back to the response I provided to you: yes, we do have those,

and we are managing those as part of our cyber security management plan.

MR CAIN: And what are those?

Mr White: I can provide them to you and take that on notice.

MR CAIN: If you are aware of them now, why can't you provide them now?

Mr White: Because they are detailed, and they are in a location that I am not able to read if I am not accessing my computer.

Mr McHugh: I might just jump in there if that is okay. In relation to cyber security and cyber security risks of personal information, it would not be responsible of us to disclose publicly in a hearing, risks that we are aware of in a system that we are responsible for managing. We will take on notice the question. We will get advice from the cyber security centre on what we can share and how we should share it.

THE CHAIR: Mr Cain, I believe that is probably consistent with previous advice to the committee to get that information on those as to the details.

MR CAIN: Just confirming: there are current risks that you are managing but you are not willing to disclose those risks in the public interest?

THE CHAIR: I think we are going to get the information on notice to the committee. Is this acceptable to the committee? I think this is probably acceptable to the committee. Mr Cain, do you have another supplementary that can be answered?

MR CAIN: I do. I have a supplementary following on from previous questions. I am just confirming that this is the second, third or fourth hearing we have had, and we are hearing the same thing about the risks to the community's information and/or money. You mentioned, Mr White, a bit earlier about being a model litigant. What litigation is currently under way in the tribunal or courts where you have indicated you are acting as a model litigant?

Mr White: There is none.

MR CAIN: There is none. So why did you use the phrase "model litigant"?

Mr White: I used it to explain exactly our approach in dealing and managing vendors, Mr Cain.

MR CAIN: Well "litigant" indicates tribunal or court action.

THE CHAIR: I believe "model litigant" is a standard phrase for government.

Mr White: Absolutely. Thank you.

MR CAIN: So there is no tribunal or court action at the moment?

Mr White: No, there is not.

MR BRADDOCK: In the middle of June there was a media report that the MyWay+ auto top-up functionality was not working properly. Mr White, I heard you on radio this morning saying that that matter was fixed quickly. I would just note, though, that I have seen community feedback saying that it was not the case and that for some people they experienced the issue up until 1 July.

I am wondering, firstly, just how quickly was that able to be resolved; what was the issue; and why, after nearly two to three weeks, there is no information on the Transport Canberra website or any of your social media feeds about the issue and what actions have been taken to rectify it?

Mr White: As you may have heard on my interview this morning, I certainly also mentioned that it was a very small number of members. We acknowledge that it did impact those that had an issue with auto top-ups, and it was resolved within the two-week period. So, from our first identifications and then identifying it as a problem and communicating that through to NEC, through to its final resolution, actually took a total of two weeks.

MR BRADDOCK: What communication happened between the government and those users of auto top-up to explain what was happening and the path to rectification?

Mr White: Yes. I know that I was asked to fact-check some communications, but I might just ask Geoff Virtue to confirm the communications that were provided to the community regarding the auto top-up problem.

Mr Virtue: I have read and understood the privilege statement. Essentially, we worked closely with the customer experience team to provide them with information to give to any customers—as Mark has indicated it was a small number of customers—about the processes that we are following. We responded through to some media inquiries, and in the process of finalising our response, the matter was resolved.

MR BRADDOCK: So from the sounds of it, there was no proactive communication, but it was all reactive to either customers or media coming to government about the issue.

Mr Virtue: That is correct.

MR BRADDOCK: Can you spot the problem with that?

Mr Virtue: In hindsight, yes, that certainly could have been improved, and we could have had something on the website.

MR EMERSON: I just want to go back to the accessibility conversation from earlier. In a prior hearing we spoke about the opportunity to engage Get Skilled Access, the accessibility specialist consultants, three months prior to the go-live date, and in response to a question around who was responsible for that decision, it was indicated that it was the project director. Is that you, Mr White?

Mr White: That is correct.

MR EMERSON: Do you accept that that was a mistaken, given how things have unfolded since then?

Mr White: I just want to check the timing that you quoted, Mr Emerson. You said that you have it on record that we said that we engaged Get Skilled Access, firstly, and then, secondly, that we—the directorate—did that before go-live?

MR EMERSON: Yes. The response to the question on notice says that NEC advised Transport Canberra as early as December 2023 about Dylan Alcott, Get Skilled Access. The response continues:

Some months later, NEC also alerted the program to the availability of Get Skilled Access ... According to contemporaneous notes from the Program Director, this knowledge and the service offering of the firm were discussed in August 2024, three months before go-live.

Mr White: Yes. That is my recollection, and I did refer to my contemporaneous notes of many meetings that I had with the vendor throughout that time. It certainly was brought to my attention that NEC were commencing a commercial relationship with Get Skilled Access. At that stage we had not contemplated the requirement for it. I think there was a question earlier: in hindsight, would we have looked to have stronger enforcement, stronger contractual bounds on accessibility and compliance? Certainly, that was a missed opportunity, and I will acknowledge that I certainly missed that opportunity.

Mr Steel: I think the understanding, in answering that question, was that Transport Canberra and City Services, as it was at the time, thought that the contractual requirements were enough to satisfy, particularly, the WCAG standard. Obviously, it was disappointing that that was not there for the go-live but now the work is underway with the audit, and that is already informing improvements to the system that have been made.

There is an example of, I think, Victoria engaging with the same group ahead of some changes that they are making to their ticketing system. Absolutely in hindsight, that sort of auditing and user testing which is now happening on MyWay+ with an accessibility lens would have been useful, but the expectation was that NEC would deliver on the accessibility outcomes, which clearly now require further work.

MR EMERSON: I suppose that is my second question. Was it also a mistake not to require—and we have touched on this already—full accessibility prior to go-live rather than embedding that in this project completion date, which still remains to be determined—

THE CHAIR: Well, the project completion date is 30 June in the contract. We have just been told that the contract is now being renegotiated again.

MR EMERSON: Sure, yes. Was that also a mistake?

Mr McHugh: I will take that one, Mark, if you like. I think this whole process has

identified some learnings, absolutely. Where you would attach particular scope completion and at what phase of the delivery is a learning, absolutely. We have had it attached to the completion of the project from the original contract, and in review of some of the variations maybe that needed to move to a different completion date. So, yes, that is definitely a learning that we have taken away.

MR EMERSON: This is a question I am getting from people with disability in our community. Has there been a policy change or will there be a policy change to ensure any future projects or new systems require full compliance with disability law and non-discrimination law prior to being launched? Has that conversation happened?

Mr McHugh: Not with me personally but I am not suggesting it has not happened in other parts of government.

MR EMERSON: Is anyone aware of whether that kind of decision has already been made?

Mr White: I can answer the second part of that, Mr Emerson. The second part is: are learnings like this being applied in future projects? That is moving ever so slightly from the policy domain that Ben just mentioned. In projects, we in the ACT government have a very strong community of practice for project management, as well as in the digital sphere.

I will be giving a talk at that forum in August and discussing things that we have learnt from this project, and that we could and should apply, and plant that seed with the next project managers, and all of the administrators who are involved with this type of thing. I can actually say that, yes, it is valuable, and there are many lessons that are learnt in many projects throughout time that are applied in future projects. I would see this as one that is absolutely vital for the ACT community.

Mr Steel: There may be an opportunity through the Disability Inclusion Act, and the requirement for directorates to have, and generate—knowing that it is a very new act, in terms of its implementation—disability inclusion strategies. That might be something that is undertaken as part of a strategy by directorates and potentially considered by Procurement ACT as part of the general advice and templates that they provide for this type of procurement.

MR EMERSON: It would be encouraging for people with disability to know that that was a clear policy decision made, if not now, at some point soon.

Mr McHugh: I think that would help. The other thing that will go even further is the continual engagement with representatives from various sectors. Transport Canberra, in its former structure, established an accessibility reference group about two years ago—a bit longer than that—which has been the most vital and critical element to inform how we design systems, by hearing from people every other month over that period about what the system needed to achieve.

Contractually, we may not have met that in the timeframes, but in terms of the design of the system and the inclusions, I see that as being as valuable as, if not more valuable than, any policy that we could write down and hold ourselves to. I would encourage,

out of this process and out of our learnings, that the importance of that engagement through accessibility reference groups and engagement with the community is prioritised and continued, and that it informs future decisions around project delivery.

Mr Steel: Get Skilled Access have been presenting to the disability reference group at TCCS and talking through their audit.

MR EMERSON: Going back to the specific project and resolving the issues that exist, from an accessibility standpoint, I have had it raised with me by some people who felt that there was a lack of information when problems arose. There has probably been a bit of a loss of faith in the system generally, and people with visual impairment are saying, “I’m not going to use public transport.” The question is: how will they be informed as to when things have been fixed in an ongoing way? We are learning about it through the committee, and we would love to think everyone else is watching on. What is the plan for providing ongoing updates to community members?

Mr McHugh: That is probably a multifaceted answer that we can take on notice and give you the detail, because I think that is important. With the forum that I mentioned, the accessibility reference group has representation from Vision ACT and other stakeholder groups who represent their communities. We share all of our information back through those forums to be distributed. Potentially, there is some more communication we could do outside that space to get it out further into the community.

Mr Virtue: Mr Emerson, an update went to the accessibility reference group yesterday on where we are up to with various system improvements, including accessibility. We have also done some social media, website update et cetera. That went out yesterday. We do need to continue to put out regular updates; I agree.

THE CHAIR: Mr McHugh, you are coming back to us on notice with some disability compliance information. I believe ACT government contracts usually have a “must comply with all laws”. When you come back on notice, can you confirm whether that is part of this contract? If so, at what point in time does government usually consider that contractors should comply with all laws? Bring that back on notice as a separate line.

Mr McHugh: The contract that you have a copy of should be in there, but we will identify it and highlight it for you.

THE CHAIR: Yes; and at what point in time you would consider that that would kick in.

MS TOUGH: You said there was some social media and some stuff about improving accessibility. Could you say what those changes are that have improved or promoted accessibility and that have been implemented across the bus fleet to date?

Mr White: Certainly. It is more than the bus fleet, Ms Tough.

MS TOUGH: Light rail as well—the whole network.

Mr White: Across the public transport network. As I say, the first part of the review

was focused on the electronic touchpoints—the customer portal, which is the web portal, and the MyWay+ app. The customer portal has had improvements—I am trying not to speak in technical jargon—in things like colour contrasts. These are things that will be very hard for people to discern, unless we had a time machine and could go back to November—they are actually, believe it or not, using an internet time machine.

If we were able to look at the website back in November compared to what it is today, there are things like colour contrast, and things like alt texts, where people with vision impairment or cognitive disability may hover over particular controls et cetera. Readers et cetera rely on that alt text to actually come back. They have been implemented. There is a protocol that is specifically designed. It is a web design protocol that is designed for accessibility use.

THE CHAIR: Ms Tough, this is quite a long answer. Would you like this on notice?

MS TOUGH: Yes. I am happy for a short summary and the rest can be taken on notice.

Mr White: Sure. We will take that on notice.

THE CHAIR: Thank you. We do not have much time left. I have one question. If we can get through it quickly, we will have time for another question from Ms Carrick, which would be great. I do not want to go into the issues. We are drafting a report, and it is quite confusing to track what we have been told at different times. I am just trying to check this.

Minister, I asked you a question on notice about whether anyone had given us any incorrect information, because we have a lot of conflicting things going on here. You answered:

No. This is my answer about my own evidence, and it is the answer my officials give about all evidence prepared for the committee and all appearances by TCCS staff.

Can I check: are you being accountable just for the things that you say or do you consider yourself accountable for all of the things that all of your officials are saying to us?

Mr Steel: I am responsible for Transport Canberra, as minister.

THE CHAIR: And for all answers; that is great.

Mr Steel: I was clear in that answer—I do not have the question in front of me, and I do not recall exactly what the question was. If you want to read it out, I am happy to—

THE CHAIR: The question was: “Have you or your officials given false or misleading evidence to the committee?” Your answer was, “No,” which is good and very clear. You went on to say:

This is my answer about my own evidence, and it is the answer my officials give about all evidence prepared for the committee and all appearances by TCCS staff.

I have had a chat to the people drafting the report. We are trying to work out: are you signing off and are you accountable for all of the answers your team have given or are you just accountable for yours?

Mr Steel: I am responsible for Transport Canberra. Of course, we provide the committee with the best possible advice that we can.

THE CHAIR: That is great. Mr White, did you give an interview this morning in which you told people that there were no data breaches in relation to MyWay+?

Mr White: I think, in that interview—you are asking me to recall; again, I do not have the transcript in front of me—

THE CHAIR: Nor do I.

Mr White: but I do not believe that was the question asked.

THE CHAIR: You did not say that there were no data breaches?

Mr White: I do not believe that was the question asked; therefore I would not have given that answer, I do not believe.

THE CHAIR: No, that is great. There is another one that I have got very confused about, and we have now published the risk registers. They were not public before, but they are on our website now, so everybody can have a look at them. We had a chat, and we have done this in questions on notice and in hearings. There were lots of things listed as “unlikely” risks in September, before the thing was launched, and things like disability compliance. There were a whole lot of things where I think now it is unquestioned that these things did actually happen, and they were all listed as “unlikely”.

I asked, at the time of launch, and as of March 2025, how many “unlikely” risks happened. The answer came back, “None of these.” We had a chat in hearings with Mr White. You may or may not remember; you do not have the transcript in front of you, and I do understand that. You can take anything on notice, if you need to. I said, “How come we got the answer that none of these things had happened,” and the answer was, “Because none of them had happened in September.” That was not the question. Do you think maybe it was a bit confusing for the committee to be told that these things were “unlikely”? We were trying to work out why the risk was highlighted as being “unlikely”, why it was managed so badly; we were told none of these things happened, and then we were told, “We meant in March.”

Mr McHugh: Chair, can you clarify your actual question? I think we will take it on notice, because—

THE CHAIR: You are welcome to take it on notice. The most useful thing, Mr McHugh, to take on notice, is: can you go back and look at all of the answers you have given to this committee in relation to how risk was managed, and when things were set down as “unlikely”, whether those things happened—

Mr McHugh: And when they changed.

THE CHAIR: and what was told to this committee? Can you come back and let us know if there is anything that you need to clarify?

Mr McHugh: Absolutely.

THE CHAIR: We are trying to write a report, and it is really difficult for us to get a clear thread on these things.

Mr McHugh: Absolutely.

THE CHAIR: If you have any additional information about why things that clearly happened were identified as “unlikely”—that strikes me as not very good risk management—by all means, pop some extra information in there, and any lessons learnt. That would also be useful. At the moment I am just trying to track what we have been told, because it is really hard to follow.

Mr Steel: We can come back on notice on this as well, but one of the issues that has come up, where you may not have the information, was around the difference between the Projects Assured report and the risks identified in that, and what was actually addressed, in terms of those risks. I do not think you got that information.

THE CHAIR: That might be useful information to provide.

Mr Steel: The advice had come through that the critical system risks had been addressed prior to “go live” from that report, but I am not sure that you actually have that information before you.

THE CHAIR: Minister, it would be great if you could provide that on notice, so that we can get a complete picture.

Mr Steel: Yes.

THE CHAIR: That would be excellent. There is time for one more question.

MS CARRICK: There have been problems with the implementation. Can you tell me what you think are the top three problems that have led to this implementation being so difficult?

Mr McHugh: I think there has been significant interrogation, internally, by the committee, by the community and by the users, and there will be various perspectives on what those top three are, depending on who you are and which way you look at it.

MS CARRICK: From your perspective, Mr McHugh?

Mr McHugh: From my perspective—and the question around hindsight is a relevant one, from earlier in this hearing—in the establishment of the project program and the scope of work, we underestimated the importance of user experience testing, specifically testing of the on-bus systems. That is probably the risk that played out as

being most visible and obvious on day one, which was specifically related to the functionality of QR codes. Probably the number one learning that I have taken out of reviewing is that the scope of work to test the system in the community by the community was not sufficient to address and manage that risk.

Beyond that, there will be a whole range of things that are a lower level of concern, because the challenges faced by the community on day one were heightened, in the storm that followed. That would be mine.

Mr Steel: The other thing would be that accessibility compliance is, obviously, a great disappointment, and more proactive measures, as we have discussed in the hearing, would have potentially addressed that, ahead of “go live”. The other thing is around communications. We could have done better in terms of communicating about, “This is a transition,” rather than expecting everything to go right on day one. Clearly, that did not happen. While a number of issues have been resolved quickly, others have taken more time. Communicating about it being a minimum viable product rather than delivering every single thing that people expected of a new ticketing system all at once would have been a better approach, and that work would need to be done on some of the elements of the system, going back to the on-the-day issues that played out as a result of some of the issues around not doing enough user testing and the like.

Also, the fact that some of the readers were not working at particular stops because of the geofencing issue was a problem, and it did persist for a period of time. I think that was a fundamental problem. It has now been resolved and people are very successfully using the system across the board. That, for me, was a particular disappointment, in addition.

THE CHAIR: Thank you, Minister. That was an excellent way to finish the hearings. Probably, they were words that we have been looking for, for a while, on this project.

On behalf of the committee, I thank you all for your attendance today. We thank Broadcasting and Hansard for your support. If any member wishes to ask a question on notice, they will have to upload it to the portal as soon as possible, and no later than five business days from today. We are now adjourned.

The committee adjourned at 10.01 am.