



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PUBLIC ACCOUNTS

(Reference: [Annual and financial reports 2011-2012](#))

Members:

MR Z SESELJA (Chair)
MS M PORTER (Deputy Chair)
MR B SMYTH
DR C BOURKE

TRANSCRIPT OF EVIDENCE

CANBERRA

TUESDAY, 26 MARCH 2013

Secretary to the committee:
Dr A Cullen (Ph: 620 50142)

By authority of the Legislative Assembly for the Australian Capital Territory

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

APPEARANCES

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Amended 9 August 2011

The committee met at 2.03 pm.

Appearances:

Dunne, Mrs Vicki, Speaker of the Legislative Assembly for the ACT Capital Territory

Office of the Legislative Assembly

Duncan, Mr Tom, Clerk

Kiermaier, Mr Max, Deputy Clerk and Serjeant-at-Arms

Duckworth, Mr Ian, Manager, Corporate Services

Skinner, Mr David, Manager, Strategy and Parliamentary Education

Barrett, Ms Val, Manager, Hansard, Communications and Library

THE CHAIR: I now formally declare open this public hearing of the Standing Committee on Public Accounts inquiry into the 2011-12 annual reports. On behalf of the committee, I would like to thank you, Madam Speaker, and accompanying officials for attending here today. The proceedings this afternoon will focus on the ACT Legislative Assembly Secretariat's annual report and will conclude at approximately 3 pm.

Can I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the blue-coloured privilege statement that is before you on the table. Could you confirm for the record that you understand the privilege implications of the statement?

Mrs Dunne: I do.

THE CHAIR: Can I also remind witnesses that the proceedings are being recorded by Hansard for transcription purposes and are being webstreamed and broadcast live. Before we proceed to questions from the committee, Madam Speaker, would you like to make an opening statement?

Mrs Dunne: No thank you, Mr Chairman.

THE CHAIR: Could we go to page x of the annual report where it talks about the website redevelopment. Are you able to give us a rundown on where that is up to, including how much that costs, and maybe give us an update as to how that is going?

Mrs Dunne: Thank you, Mr Seselja. I had a briefing on the website redevelopment a couple of weeks ago. My recollection is that the cost is in the order of \$60,000 for the redevelopment. It is going live probably in about mid-April. I now have access to the website and after Easter members will be given a log-on so that they can use the website and get some familiarity with it and hopefully find any glitches that live action would indicate.

It is a much improved website. It looks and feels quite different. It has a lot more functionality. It still has all the same things. *Hansard* is there; all the back reports from committees and the like are there. The group that has been working on it has changed the functionality quite a bit. David Skinner will give us some more detail on it.

Mr Skinner: Madam Speaker is quite correct. We are aiming to launch the website towards the end of April, but we will be opening up access for all members in a week or two. That will give members an opportunity to familiarise themselves with the site and to see whether there are any additional improvements we might be able to bring to bear.

We had initially aimed to bring this website on live a little sooner, but we encountered a number of issues with the migration of the old content to the new website platform and the new content management system. We think we have overcome most of those issues now. So we are pretty confident that it is going to be a fairly well put together site when it goes live.

THE CHAIR: I am told that on the web on demand page some users have noted a hovering bar with links to the Assembly social media and links to other websites and it locks the bottom of the web on demand page and associated links. Is that the case? I am not that familiar with it myself. Has that been identified as an issue?

Mr Skinner: I might need to hand over to Val Barrett for that particular detail. That is her patch.

Ms Barrett: Yes, it was a problem. There was a big, what is called, a “fat footer” which blocked a lot of the vision. So we have asked the developer to look at it. I have received just this morning a copy of the redevelopment, and the information that was shown in the fat footer has now been placed at the side. So that obstructing black strip has been removed altogether. We just need to check that it is all okay and that it works. We have had a couple of complaints about it too. It just happened unexpectedly when we moved it over into the new website design.

THE CHAIR: The contract was with Shared Services ICT. Does that go to tender or does it automatically go to an in-house provider to do a job like this?

Ms Barrett: We did go to tender for the original design. ZOO Advertising came and did some work with us and helped us with all the consultation to get the design. The reason we used Shared Services is that they are developing the single public face for the ACT government website. For our previous website we had gone to some private developers and we have had problems with ongoing support. So we decided it was safest and best to work with Shared Services, which provides all of our other IT, so that we get some stability and support for the website.

THE CHAIR: Madam Speaker, did the \$60,000 that you spoke of include that design aspect or is that over and above?

Mrs Dunne: That is my understanding, yes.

MS PORTER: Madam Speaker, could you provide advice to members of the Assembly on the opportunity to fund the maintenance—this is my chestnut that I bring to the table all the time—and upgrade of their member websites through their DOA? As you would be aware, members’ websites are used to convey information to their constituents about their Assembly work and to provide them with a way of

contacting the member in relation to their concerns or issues, with the caveat that members give an undertaking that their websites do not contain any party political material such as political logos, slogans or links to any political party.

Mrs Dunne: Ms Porter, I think this is an ongoing and developing area. Once upon a time these things were outside the DOA and they are gradually coming in. I personally do not see that there is any problem with the DOA being used for these purposes, so long as there is a caveat that people can see it is provided for by public funds. I think this is a conversation that in this Assembly we will be having more closely about the use of DOA.

It is probably worth mentioning as well that the admin and procedure committee has discussed the use of DOA already in this Assembly, and building on the experiences of the previous Assembly. On behalf of the administration and procedure committee I have again made—not me personally but the Speaker has again made—a submission to the rem tribunal about dealing with DOA and perhaps converting some of that into something which is more like a communications allowance that other parliaments have. Part of that boils down to it then being entirely at the discretion of the member as to what they use that for, and it does not require going backwards and forwards and taking advice from the Clerk's office or corporate services about what is appropriate. Everyone finds that that is difficult and there are many grey areas. I believe that members should take responsibility for how they spend their allowances themselves. If they overstep the mark, then they may pay the price. I think it is a matter of personal responsibility.

MS PORTER: Thank you very much for that clarification. So I will watch this space.

Mrs Dunne: Yes, I am happy to have a continuing conversation.

DR BOURKE: Madam Speaker, last year the former Speaker ruled that material printed by two MLAs using their DOA fell outside the guidelines and instructed them to pay the money back. Was the money repaid in full? If not, what was repaid and by whom?

Mrs Dunne: All the money expended was repaid.

DR BOURKE: Can you explain why in the last DOA statements the payback only shows up for one of the two MLAs who were required to pay back the money?

Mrs Dunne: Because one MLA paid all of the money on behalf of both MLAs. It was a simple accounting matter. In fact Mr Coe paid the money back, because he had had carriage of the expenditure.

DR BOURKE: Was legal advice required to deal with this matter? If so, how much did it cost?

Mrs Dunne: I do not recall that there was legal advice but I was not the Speaker at the time.

Mr Duckworth: It is not my understanding that any legal advice was sought.

DR BOURKE: Thank you.

MR SMYTH: I have just a couple of short questions. On page 16 there is a section entitled “Re-introduction of Civil Unions Bill”. Why would this reintroduction of the Civil Unions Bill warrant its own section?

Mrs Dunne: I asked that question myself. This is an area which is about procedural digests and it relates to things that might be considered interesting; I consider them interesting, but I am a logistic nerd. There are things like rostering of ministers’ questions and the like. I am not sure why that is there. Remembering that this was a report that was for the financial year finishing June 2012, I presume that when it was being compiled this was considered some sort of milestone. But it does stand out as being not in the administrative areas relating to the Legislative Assembly and more in the policy areas relating to government. I probably would not have put it there if I had been responsible for drafting the report.

MR SMYTH: On page 26 there is a section entitled “Parliamentary education and community engagement programs”. What are you going to do, as Speaker, to enhance these activities?

Mrs Dunne: I have had some discussions with the parliamentary education office. At the beginning of the year we went through the usual rounds of sending out information to schools about the sorts of programs that are provided. One of the things that I am interested in is improving the parliamentary debates. We have started discussions with some of the schools that are involved in parliamentary debates as to how we might make them a bit more rigorous than they currently are. They have an odd format; I have always found the format a little odd. It departs somewhat from the sort of Oxford style of debating that most of us who were involved in school debating are used to. We are in the process of having some discussions about how we might make that more useful and more rigorous for the students involved, especially when you get to years 10 and 11 in particular.

In addition to that we have started a process of outreach. My office is writing to community groups, service groups and service organisations. I know that the Clerk also spends some time visiting service groups, speaking about the role of the Assembly. I want to raise the profile of the Assembly through community engagement as much as possible, which is one of the reasons that prompted the now infamous church service as a means of engaging in the community and raising the profile of the Assembly in as many places in the community as possible.

MR SMYTH: You talk about the church service. What was the cost of the church service?

Mrs Dunne: It cost \$343.73 from CopyQik for the printing of the order of service. There was about \$200 in postage that came out of my DOA and a little bit of internal printing.

MR SMYTH: I understand you circulated the order of precedence, which then prompted a press release and got some reporting in the *Canberra Times*. Why did you

circulate the order of precedence?

Mrs Dunne: When I became the Speaker it was one of the things that the Clerk pointed out to me. One of the things that I became aware of was that there was a different order of precedence for events which were in the purview of the ACT government as opposed to the commonwealth government. One of the things that I then became aware of, and it always rankles a bit, was that with many ACT government functions you find that the presence of members of the commonwealth parliament is acknowledged before members of the ACT Legislative Assembly, and that is not appropriate for an ACT government function. I believe that my colleagues here should be acknowledged appropriately and ahead of members of the commonwealth parliament. I did that to point out that there is an order of precedence for ACT government functions and ACT government events, events in the ACT. I thought it was useful to draw attention to a different order of precedence—and also for new members, by means of information for them, so that they do not make the mistakes that are sometimes made.

MR SMYTH: On page 45, under the heading “Fraud prevention”, apparently there was one incident. Section 9 of the Public Sector Management Act is quite broad. What was the nature of the incident and what was the sanction imposed?

Mrs Dunne: I asked some questions about that during the week and the Clerk was going to get back to me. I will pass that one to him.

Mr Duncan: That matter related to a staff member of the secretariat, which is now OLA. It relates to its record-keeping practices and probity issues. As you point out, Mr Smyth, section 9 is fairly wide. There are a number of sections that the staff member, after an investigation, was deemed to have breached. I am sorry, what was the last part of your question?

MR SMYTH: A sanction was imposed. What was the sanction?

Mr Duncan: There were three sanctions. There was counselling, a written admonishment and a financial sanction.

MR SMYTH: What procedures have we put in place to ensure it does not happen again?

Mr Duncan: I think the counselling provided some degree of support to remind the officer of the obligation under the Public Sector Management Act and the code of conduct. That was where the breach was.

MR SMYTH: How did the breach come to light? You have counselled that officer and I am sure they will never do it again, but what is to stop somebody else performing the same breach in the future?

Mr Duncan: We encourage staff to abide by the code of conduct and the Public Sector Management Act. We hopefully have got a culture within the organisation—it is in our strategic and our corporate plan to have due regard to the law of the territory and all its associated entities, including the code of conduct. As to how it came about,

I guess I just have to be a little careful here. We are a small organisation and I do not particularly want to identify the person. I suppose it came to light when some records indicated that the officer might be at work but in fact was not at work.

MR SMYTH: So there were some timesheets?

Mr Duncan: It was associated with that issue, yes—without going into too much detail.

MR SMYTH: Timesheets are such an interesting thing. They have been of great interest to this place.

Mr Duncan: Indeed.

MR SMYTH: I might seek further information later.

THE CHAIR: Page 17 of the report talks about the Legislative Assembly (Office of the Assembly) Act. Are you able to bring us up to date with how that has changed procedures and how are interactions with the Treasury Directorate in developing a separate appropriation in the lead-up to this year's budget?

Mrs Dunne: I think the proof of the pudding will be in the eating. The thing that I think is most important in the context of formulating the Assembly budget is that until now the Assembly have gone cap in hand to the Treasurer and they either get what they are asking for or, more often, they do not and that is the end of it. I think the most significant thing here is that there will now have to be a statement from the Treasurer to indicate why we do not get the funding that we ask for. That will create a level of transparency and it will provide more information to the Assembly about how they might want to proceed.

For instance, in the 2011-12 budget the Assembly made a request for money for refurbishment of the roof, which we obtained, but also a request for a sum in the order of \$400,000 to improve digital broadcasting so that we could broadcast vision as the need arises. That was rejected. We do not know why. It just did not turn up in the budget. From my point of view, there will be more transparency and more understanding about why the government might reject the Assembly's requests for funds. The Clerk may wish to expand more on the day-to-day changes that the OLA act imposes.

Mr Duncan: In relation to the Treasury function, I will probably pass it to Ian, if that is all right, Madam Speaker. Ian has more dealings with Treasury.

Mr Duckworth: I do not disagree with anything that Madam Speaker just said. I think that was a—

Mrs Dunne: That is good.

Mr Duckworth: That is a perfect example. With respect to the legislation including that provision for a statement, it was not intended that the Assembly demand a level of funding. It was more about if we put a case forward, as was the case last year, and

there was no decision taken to agree, the Assembly has no means of knowing why it did not receive that funding. I think the important provision in the OLA legislation is that that statement is now required. That would be the only comment that I would make in relation to budgets.

Mrs Dunne: But on the day-to-day changes, if any?

Mr Duncan: In terms of the day to day, basically the OLA act replaced a section in the Public Sector Management Act. I guess the symbolism of it is that we are a separate, independent agency from government. We were very uncomfortable during the previous 22 years that we were under the Public Sector Management Act in that some people thought we were an agency of the executive. Clearly, we are not an agency of the executive; we are different. We serve the legislature.

The advantage of the OLA act was to make it crystal clear that we do serve the legislature. I think that has provided clarity with other agencies who, in relation to annual reports, in relation to whole-of-government policies, sometimes assume that the Legislative Assembly will automatically fall in under the government's policies. I think it is a lot clearer now with the OLA act that we are in fact a separate, autonomous instrumentality. I guess it is a perception thing. I cannot point to any particular thing but I think it is—

Mrs Dunne: Mr Chairman, probably a lot of it is symbolic, but probably the thing that gave me most concern was when, for instance, the previous Clerk retired and we had to replace the Clerk. I was on the admin and procedure committee at the time and I was very concerned that in fact this was effectively an appointment made by the executive. I think that is a very bad message to send. There is a lot of symbolism in the OLA act. Some of that is a little stronger than symbolism. The clear message that the Clerk cannot be directed by the executive is a very important message in a modern legislature.

THE CHAIR: Could we move to the transition to the new Assembly, from the Seventh to the Eighth Assembly. On page ix of the overview it talks about the transition. In that transition were there any instances where departing staff were provided with incorrect advice in relation to the size of their payouts?

Mrs Dunne: Yes, there was. This is something that was raised with me and I raised this with the Clerk's office just after Christmas. There was some number in the teens—15 or 16, I think—where people were advised incorrectly about their payout and they received an extra payout which was roughly equivalent to a week pro rata. The problem seemed to be in the interpretation—when people get severance they get so much severance pay and then two weeks for every week of service. But if there was a part of a year, there was some uncertainty about whether they would get two weeks pro rata or one week pro rata. It was originally one week pro rata and then it was looked at again and it was agreed that there was a mistake in that. I think there was also overpayment; is that right, Ian?

Mr Duckworth: Yes, that is correct. Again, I confirm that Madam Speaker's information that she has relayed to you, Mr Chairman, is correct. The issue of the part-year belonging beyond any completed years of service was originally calculated

based on a portion of one week's salary. A review of the advice given to staff identified that they were understated. So a dozen or so staff were given corrected advice. In addition to that there was also one staff member who, after the election result was known, decided to move on. He had been advised of an amount of final entitlements which was incorrect. It was overstated. We liaised with the individual, who arranged to repay that. That was an unfortunate oversight.

Mrs Dunne: And the money has been repaid?

Mr Duckworth: The money has been repaid.

DR BOURKE: Madam Speaker, returning to the religious ceremony on 10 February, you advised us of some of the costs, \$200 for posting and some \$343 for printing. Were there any other costs involved?

Mrs Dunne: No. Sorry, there was some printing on the MDF upstairs using stationery in my office—I think about 350 invitations on cards. The Speaker's office has a stock of invitation cards which you print things on. So that was a minimal cost.

DR BOURKE: What was the reasoning behind using the Assembly's logo on the printed material for this ceremony?

Mrs Dunne: I sought advice from the Clerk and he told me it was appropriate.

DR BOURKE: Can you advise me who was invited?

Mrs Dunne: I could give you an extensive list. There were about—

DR BOURKE: Take it on notice.

Mrs Dunne: There were about 350 invitations.

DR BOURKE: Take it on notice.

THE CHAIR: Do you want to give us some examples of who was invited?

Mrs Dunne: Yes. The recognised heads of all the major churches and religious organisations, the administrator of the Catholic archdiocese, the Bishop of Canberra, the head of the presbytery for the Uniting Church, the head of the Baptist Church et cetera. There were representatives of the synagogue, the Chabad, Islamic representatives, Hindus, Sikhs, a range of people like that, and then individual pastors and religious leaders of particular temples, churches et cetera.

THE CHAIR: How would you classify the service? Would you see it as a success?

Mrs Dunne: I personally consider it a success. I recently wrote a letter of thanks to those people who participated. I found it personally uplifting and I believe that the people who attended found it very uplifting. It was great to see a place of worship filled and used for the purpose for which it is designed. The feedback on the day was warmly welcoming and highly appreciative. There was a great desire expressed that

this should continue in some form.

MR SMYTH: The review of the Latimer House principles on page 15: what was the cost and what were the recommendations and have the recommendations been actioned?

Mr Duncan: The cost of that was actually in the previous financial year. I would have to take that on notice. It was Professor John Halligan from ANZSOG, the school of government, in the University of Canberra. I think it was in the region of \$20,000 to \$25,000 that he was paid.

MR SMYTH: Could you check that?

Mr Duncan: I would have to confirm that for you.

MR SMYTH: The paragraph that starts at the bottom of page 15 says:

However, the report also noted that there were a number of areas where improvements might be made.

What were those improvements and are there any recommendations that they be implemented?

Mrs Dunne: From memory, Mr Smyth, and it is a while since I read the report, the report was in fairly glowing terms. The ACT Legislative Assembly scores a lot of goals in terms of the Latimer House principles. But there were some pretty much at the margins comments where we could do better. I would have to refresh my memory. It must be 18 months since I read the report.

Mr Duncan: I would be in the same boat as Madam Speaker. I think some of the recommendations related to a Latimer House principle to refer all bills to committees. I do not think the ACT stacks up well in relation to that. I think Professor Halligan did make some comments about the size of the Assembly and about the ability of the Assembly to undertake its scrutiny role with the current size. I think they are the only two I can recall off the top of my head. I am happy to provide that to you.

Mrs Dunne: We can come back, yes.

MR SMYTH: That is fine. If we go to page 70, sustainability issues, why was there an almost 50 per cent increase in the use of paper during 2011-12?

Mrs Dunne: It was not my office, I can tell you.

MR SMYTH: And at the same time why was there a fall of nearly 40 per cent in the paper recycled during the year?

Mr Duncan: Did you say page 70, Mr Smyth?

MR SMYTH: Yes, the sustainability stuff that starts on page 70 and goes over the next five or six pages.

Mrs Dunne: It is on page 76. I do not know. Do you know, Mr Clerk?

Mr Duncan: No. David might know.

Mr Skinner: Could you repeat the question? There has been an increase in—

MR SMYTH: No, an increase in the amount of paper by about 50 per cent.

Mrs Dunne: Yes, 49.7 per cent.

MR SMYTH: And the recycling declined by about 40 per cent.

Mr Skinner: And what declined?

Mrs Dunne: Recycling.

MR SMYTH: Recycling declined by about 40 per cent. Why?

Mr Skinner: I am led to believe—and I might take this on notice—that it could be to do with the fact that a lot of paper was shredded during the period, which does not show up as part of our normal recycling arrangements. I might just confer with our facilities manager and provide an answer to that on notice, if you do not mind.

Mrs Dunne: So does that mean that the stuff goes in the—

Mr Skinner: It is recycled, but it is not captured perhaps in these statistics.

Mrs Dunne: So when everyone had a clean-out of their office after the election and things went into the—

Mr Skinner: This report does not relate to that period. I would probably be most comfortable taking that on notice and providing you with an answer after conferring with our facilities manager.

MR SMYTH: The 2010-11 result was 13.3 reams of paper per person per year. It has gone up to 19.9 reams.

Mr Skinner: I cannot account for why there has been an increase, Mr Smyth.

MR SMYTH: At the bottom of page 76, in 2010-11 the office paper used per person was 13.3 reams and in 2011-12 it was 19.9 reams.

Mr Skinner: It has just been pointed out to me that there was a dip in 2010-11. If you see the preceding results, they are up at a higher watermark, so it is actually coming back into line. That could be some anomaly for 2010-11. But if you look at the 2011-12 results they are starting to be more in keeping with 2008-09 and 2009-10. Again, Mr Smyth, I would be happy to take that on notice and do some more digging as to what might have caused that variation.

MR SMYTH: If you could do that that would be great. I guess the question then is: what plans have you got to improve the environmental performance in the coming years?

Mrs Dunne: I think that with some of the environmental measures we are getting to the really pointy end. There have been reductions in energy use over time, but then you start to plateau. I think we are getting to the plateau. I know that in the previous Assembly things like PV arrays and the like were considered, but I am not convinced that they are cost effective.

Mr Duncan: If I could just add to what Madam Speaker has just said, you may be aware that the Standing Committee on Administration and Procedure is looking at the tabling options whereby the minister or the ministers will table electronic copies of documents as opposed to paper documents. I suspect that will probably result in big savings across the executive but increases in the Legislative Assembly.

MR SMYTH: Does the government not provide those copies for tabling?

Mr Duncan: They do, but what I am saying—

MR SMYTH: So they will not be in this.

Mr Duncan: No. What I am saying is that if we move to an e-tabling situation where we would be provided with three or four copies of a report, which is the proposal being considered by administration and procedure, if other members want copies of that report they will be printing those out from their offices. That may lead to a possible increase. ACT government-wide, there will probably be huge savings, but in terms of the Legislative Assembly that is something we will have to address with Treasury in due course.

MR SMYTH: Some will be seeking redress for that.

Mr Duncan: That is something we will have to take up with Treasury in due course if there is a significant cost impost for the Assembly.

Mrs Dunne: It is something that members of admin and procedure have raised, that it may actually have an impact on our printing allowance. We are aware of it.

MR SMYTH: You mentioned the PV cells, which of course leads us to the roof. Was the roof completed on time and on budget?

Mrs Dunne: Yes, and below budget.

MR SMYTH: Below budget. Have there been any post-handover issues?

Mrs Dunne: There was an issue—and Max will correct me if I am wrong—where water got in on one sitting day when it was raining a couple of weeks ago. That was apparently not caused by the roof, but when the installers reinstalled the solar hot water system they did not seal the screw holes appropriately. They did not silicon around the screws where they were screwed into the roof structure. There was a leak

that was through that and that has been rectified. Is that right, Max?

Mr Kiermaier: Madam Speaker is quite correct on the issue about the leak in the chamber the other day. It was certainly not related to the roof per se but to—

Mrs Dunne: It did come from the roof but it was not related to the roof.

Mr Kiermaier: something that was attached to the roof. On the subject of the cost of the roof when it was completed, certainly the construction work has finished. There are a few minor wrap-up details. For instance, we have to get the architects to do as-installed drawings of the works. There were a few minor changes implemented during the project which have to be documented. The project has not been closed off yet, but certainly the construction work has finished.

THE CHAIR: Madam Speaker, can I just get you to clarify and repeat: the project was on time and below budget?

Mrs Dunne: Yes.

THE CHAIR: That is the first time I have ever heard those words in this place for a government project.

Mrs Dunne: This was not a government project; this was an Assembly project.

THE CHAIR: I am very impressed. It is a rare thing indeed.

Mrs Dunne: I think it all goes to Mr Kiermaier.

THE CHAIR: Congratulations to Mr Kiermaier and all the staff.

MR SMYTH: Just before you go on, if I may ask one last one?

THE CHAIR: Sure.

MR SMYTH: What is the status of the replacement boiler project?

Mrs Dunne: The boiler is on a truck on its way and it is being installed the week after next.

Mr Kiermaier: It is Thursday week.

Mrs Dunne: Thursday week. Otherwise you will freeze during winter.

THE CHAIR: I note pages 72 and 73 go through some of the sustainability performance stats. They show a pretty big increase in the green power percentage—from 17 per cent up to 40 per cent. Where are we up to now? Is that continuing to climb in the current financial year?

Mrs Dunne: I am not entirely sure where we are in the current financial year. David?

Mr Skinner: I understand that was a result of the energy contract that we entered into as part of a whole-of-government contract. I would have to check the trajectory of the green spend as to whether it is staying the same or going up. Would you mind if I got back to you on that one?

THE CHAIR: That would be fine.

Mrs Dunne: On the subject, Mr Chairman, I think this is something that should be under active review. I notice the government is considering some changes to its green energy, and up until now the Assembly has been caught up in that. I think we should be looking for energy efficiency and what is the best value for money. Personally, I am not convinced that green energy is necessarily the best value for money.

THE CHAIR: Just on that then, do you have the numbers on how much it costs for that purchase of green energy versus ordinary energy?

Mr Skinner: I am sure we can get them. I will endeavour to do that and take that on notice as well.

THE CHAIR: That would be great; thank you very much.

DR BOURKE: In 2012—and I am talking about DOAs—one MLA used \$2,000 from their DOA to produce a publication about the disclosure of the regulation of gifts and donations under the Electoral Act 1992. Was this publication submitted to the Assembly Secretariat for advice around whether it complied with DOA guidelines?

Mr Duckworth: I am certainly in a position to confirm that that is not a publication—the use of the DOA for the production of something which could be an advice to the member is not something that we would ordinarily expect to be provided with a copy of. My understanding is that in the example you referred to—I do not have the information—a member did access DOA funds to acquire a draft of a document or some advice in relation to something they were proposing to do in the Assembly.

DR BOURKE: So you have never seen a draft or a final version of the publication?

Mr Duckworth: No, and my advice to members would not be that we needed to see the results of those acquisitions. Members, as members of the committee would be aware, provide a certification on all claims that the expense adheres to the DOA guidelines, is not party political and is not for campaign purposes.

DR BOURKE: So that would have been certified in this case?

Mr Duckworth: Yes, absolutely.

DR BOURKE: Under the DOA guidelines can an MLA use their own DOA to purchase something or produce a publication on behalf of another member?

Mrs Dunne: Strictly speaking, yes, because members can pool their DOA to do things. Therefore, strictly speaking, that would be possible.

DR BOURKE: I am referring back to the 2010-11 DOA statement, where Mr Seselja claimed on his DOA the production of a report on behalf of Mrs Dunne—\$1½ thousand.

Mr Duckworth: As Madam Speaker just indicated, the pragmatic view of our office on that matter is that a member could transfer DOA funds to another member. So it was my view in that transaction that it was perhaps robbing Peter to pay Paul and that it could have easily been a transaction undertaken by another member. But if there was a DOA commitment that that member was aware of and sought the funding from another member, that does happen; it goes on within the membership of the Assembly and has done so over several Assemblies.

Mrs Dunne: From recollection, Dr Bourke, that was a legal advice obtained as part of a submission that I wrote on behalf of the parliamentary party to an inquiry into the commonwealth Water Act and in relation to the Murray-Darling Basin.

DR BOURKE: So that was political advice?

Mrs Dunne: No, it was not political advice. It was advice about the interaction of the Murray-Darling Basin plan and various aspects of the Water Act, Ramsar and other international covenants. I can provide you with a copy of the advice, if you like. It is also on the Senate webpage for the inquiry.

DR BOURKE: Thank you.

MR SMYTH: Financials: on page 154 we have a deficit for the year of \$391,000. What are your plans to address and contain your expenses?

Mr Duckworth: The Assembly operating statement usually operates with a deficit. The reason for that is mainly due to leave liabilities and depreciation of assets which are not funded. It is Treasury practice not to provide funding to agencies for that. In most years the Assembly has a deficit but it is not a cash deficit. Effectively in cash terms we operate within our means.

MR SMYTH: On page 155, under “employee benefits”, why is it \$380,000 more than was originally budgeted for?

Mr Duckworth: Because Treasury twice during the year issued a present value factor which is used by all agencies to cost the present cost of future leave liabilities; I think that is the simplest way I can explain it. During this reporting year interest rates fell and wage rates remained the same, and as a result the factor went from a figure below 100 per cent up to about 106 or 107 per cent. The Clerk is trying to assist me but he has not realised I have not brought my glasses so that I can read print of that small size. So I will continue to wing it with—

Mr Duncan: 92.6 to 106.6.

Mr Duckworth: There we go. So the 92 to the 106 meant that there was a sharp increase in the present value of our future leave liabilities, and particularly in relation to long service leave. I think if you go to note 11 on page 179, there is a significant

contrast between the 2011 value of long service leave liabilities of \$88,000 and \$293,000. That increase has to be recognised as an expense. So to come back to your original question, the sharp increase is largely due to that paper cost. It is not a cash cost. It did not actually cost us money, but the liability has increased and we have to recognise that as an expense.

MR SMYTH: Would it not be advisable, where it says “employee benefits”, to actually put 11 as the footnote rather than say “see the accompanying notes”, so that people get that direct linkage? That might be a suggestion for the future. Back on page 154, under “resources received free of charge”, we received \$985,000 worth of free resources. What were they and why are people so generous to the ACT Assembly?

Mrs Dunne: They love us, Mr Smyth!

Mr Duckworth: It is a complex issue. The resources free of charge in this particular set of financial statements are actually highlighted by the financial statements for the previous year. We receive resources free of charge from the Parliamentary Counsel’s Office and from the Government Solicitor’s office in the form of legal advice. Those resources are summarised on page 176 at note 7. Significantly—and this is a little complicated but I will try to take you through it—the Auditor-General’s staff for the 30 June previous to this felt that the Assembly had failed to recognise in its two sets of financial statements, and bearing in mind there are territorial financial statements that deal with the Assembly building and the members’ building, that the Assembly was in fact provided with a free resource by the territorial entity. In other words the space within the building occupied by the secretariat was effectively gaining a free resource in the form of rental from the very generous people in the territorial entity, namely, the members. It was necessary for us to show those figures in these statements.

But the reason that the figure was so much higher than the original budget was that the original budget was set in May and we did not discover the issue in conjunction with the Auditor-General’s staff until June of that year. So in a sense the main part of that increase in resources free of charge is largely due to the recognition of rental of about \$360 a square metre of the space occupied within this building by the secretariat. That also led to a corresponding adjustment. The Assembly incurs a number of costs for the running of the building—utilities, gas, water, electricity, cleaning, horticultural costs, security costs. We then had to identify those and have a corresponding recognition of the resource we provide free of charge to the good people of the territorial entity. So that is also reflected in our territorial financial statements. I cannot imagine that that was a particularly straightforward explanation but that is the—

MR SMYTH: I would rather see your note, but again, there is no direct link from “resources received free of charge” on page 154 to page 176. Perhaps it is worth doing a small number that says “note 7”.

Mrs Dunne: I think that is worth doing.

MR SMYTH: On page 176 under “legal services”, what was the \$18,000 for legal services?

Mrs Dunne: That would be advice from the Solicitor-General.

Mr Duckworth: We routinely seek advice from the Government Solicitor's Office during the year on a range of matters. When we receive their disclosure at the end of the year of the value of those services they are not itemised. It is taken, I guess, on face value that the value of those legal services was the amount shown. Certainly, if we had reason to believe that the figure was not correct we would have recourse to the Government Solicitor's Office to seek further explanation. That figure of \$18,000 for legal services is fairly high. I can say, Mr Smyth, that three or four years ago, just about at the time of the 2008 election, that was a very high figure because we had an extensive involvement with the GSO in terms of the Auditor-General's report into the administration of members' entitlements and the issue around termination payments for staff and so on. So there was a very significant cost in that year. But that \$18,000 figure I would think would be fairly—

Mrs Dunne: Mr Smyth, could I just point out that, for instance, on page 154, the first column of figures is actually the column that says "Note No." For resources received free of charge, it says the number is 7. So it is actually there. Your innovation has already been accepted.

MR SMYTH: Thanks for that.

THE CHAIR: Just before I go on to another area could I just briefly follow up with Mr Skinner. When you go away and get the numbers on the green power, are you also able to get us the overall electricity costs over the last couple of financial years, particularly in relation to the implementation of the carbon tax and the changes to the rates? I want to see whether, indeed, it affected you or whether you were locked into contracts. I would be interested to see that.

Page 30 talks about e-petitions as one of the initiatives of the Assembly. I am interested in how much the initiative cost and how many current e-petitions there are.

Mrs Dunne: This was an initiative that was principally driven by Mr Rattenbury. It took a long while to implement. The software was essentially given to us—is that right, Max?—from the Queensland parliament who pioneered e-petitions in Australia. As to cost and the number of petitions so far, I will leave it to Max.

Mr Kiermaier: I might ask Val to comment on this. The original software was provided by the Queensland parliament but there had to be a lot of intervention from InTACT to implement that and that did cost us something. I think it was about \$10,000. Would that be right?

Ms Barrett: No, it was considerably more than that in the end. It was a free resource that we got from the Queensland parliament, but the software was not only not documented; it was not compatible with our platform and there were lots of changes we had to make to it. It ended up costing about \$50,000—probably almost as much as if we had developed a system ourselves. It took longer than we anticipated and we had to do a number of things to it, but it is now introduced and working. I am not aware that there are any current e-petitions; the last time I looked there were not. We have

not received any yet.

THE CHAIR: How many have we had? How many closed e-petitions have there been?

Mr Kiermaier: None.

Mrs Dunne: It was only implemented a month ago.

THE CHAIR: Given that it is now available, what is the Assembly doing to promote this facility out in the public?

Mrs Dunne: I did a radio interview on the subject.

Mr Duncan: I can tell you that there is a monthly ad that the Assembly puts in the *Canberra Times*. It featured in last month's advertisement and it is also featuring in the advertisement that is going to press this week, I think; maybe even tomorrow. So we are trying to publish it there. I am intending to write to all members in the coming weeks to remind them of the facility and maybe they will have a lot more interaction with people that might be likely to use petitions. If they are of that mind, members might promote the use of this new facility.

Mrs Dunne: It might be useful, now that it is up, to provide for members a mini seminar on how it works so that people will feel more comfortable about suggesting it to constituents.

THE CHAIR: Ms Barrett, the \$50,000 you referred to, what exactly was that for? Was that for the software upgrade?

Ms Barrett: It was mainly in Shared Services costs to have their people look at it. There were a number of tests. I think there were about 11 or so penetration tests. There were some security vulnerabilities with it. Then we had to do a little bit more work on it. We had to move it to the design of the new website and then we had to make sure it met accessibility requirements. It was really the costs of working with Shared Services because it took a lot of their time to implement it.

Mrs Dunne: I suppose it is a cautionary tale, Mr Chairman, that nothing is ever free. The idea that we got free software from Queensland, which was a well-intentioned gift, actually caused us considerable problems it seems.

DR BOURKE: Madam Speaker, can I also confirm that—

THE CHAIR: We have actually come to the conclusion—

DR BOURKE: Chair, I just want to—

THE CHAIR: Hang on; I will chair the meeting.

DR BOURKE: Can I confirm that we will be given those two reports that we spoke about before?

THE CHAIR: I am sorry, I did not quite get the question.

DR BOURKE: Can I confirm that I will be given those two reports that we spoke about before?

Mrs Dunne: You referred to two reports.

DR BOURKE: Yes; a simple yes or no.

THE CHAIR: I only recall the one being asked—

Mrs Dunne: There was one that I was talking about.

DR BOURKE: You talked about two reports.

Mrs Dunne: I only talked about one.

DR BOURKE: We talked about two reports.

THE CHAIR: Which were the two?

Mrs Dunne: There was another DOA report?

DR BOURKE: Yes.

Mrs Dunne: I am not sure about the other DOA report. I am quite happy for you to have a copy of the report that was commissioned by me. It is publicly available. I am not familiar with what the other report is.

DR BOURKE: It was also a report commissioned by you. That was a report into the regulation of donations and gifts under the Electoral Act.

Mrs Dunne: I will have a look at that. I think that was private advice that I was given in relation to the drafting of legislation. I will have a look and see whether—

DR BOURKE: If it was not political, how could it be private?

Mrs Dunne: Mr Chairman, I will look at the advice that I was given because that was information that was provided to me in my capacity as the shadow minister drafting legislation.

THE CHAIR: I assume you do not ordinarily share that with the Labor Party. That is standard—

DR BOURKE: So it was political.

Mrs Dunne: I will see whether it is appropriate for release.

DR BOURKE: So it was political.

THE CHAIR: Thank you, Dr Bourke, for your interesting contribution. Just before closing, Madam Speaker, I have a number of administrative matters to highlight. Answers to questions taken on notice at the hearing are due with the committee secretariat within two weeks of the proof transcript becoming available. Written supplementary questions from members should be provided to the secretariat within two working days of the proof transcript becoming available. If the committee has any supplementary questions following on from this hearing they will be forwarded to you, Madam Speaker, by correspondence. Answers to supplementary questions should be provided to the committee secretariat no later than two weeks from the date of receipt.

On behalf of the committee, I would like to thank you, Madam Speaker, and staff from the Office of the Legislative Assembly for attending today. When available, a proof transcript will be forwarded to witnesses to provide an opportunity to check the transcript and suggest any corrections. I now formally declare the public hearing closed.

The committee adjourned at 3.01 pm.