



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

STANDING COMMITTEE ON PUBLIC ACCOUNTS

(Reference: [Inquiry into annual and financial reports 2019-2020
and ACT budget 2020-2021](#))

Members:

**MR A COE (Chair)
MR M PETERSSON (Deputy Chair)
MR A BRADDOCK**

TRANSCRIPT OF EVIDENCE

CANBERRA

FRIDAY, 5 MARCH 2021

**Secretary to the committee:
Ms A Jongsma (Ph: 620 51253)**

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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Privilege statement

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Amended 20 May 2013

The committee met at 3.01 pm.

Appearances:

ACT Audit Office

Harris, Mr Michael, Auditor-General

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

THE CHAIR: Welcome to the public hearing of the Standing Committee on Public Accounts into the annual and financial reports for 2019-20 and estimates. Today we will be hearing from the ACT Auditor-General, the ACT Ombudsman and the Office of the Legislative Assembly.

When you first appear, can you state that you are okay with the privilege statement that is before you on the pink sheet of paper? I remind you that we are being recorded and transcribed by Hansard. If you take a question on notice, it would be handy if you would be very clear in stating that you are taking that on notice.

Before we go to questions, I understand that there is an opening statement that we have received in writing. We will incorporate that in *Hansard*, if that is okay with you.

Mr Harris: Yes.

THE CHAIR: Thank you. That is okay by the committee as well.

The statement read as follows—

ACT Audit Office's Opening Statement for Estimates 2020-21 and Annual and Financial Reports 2019-20 Hearing

The ACT Audit Office's key priority for 2020-21 is to continue to deliver quality financial and performance audit reports in a timely manner. Other priorities are listed on page 19 of the 2020-21 Budget Statements A.

In 2020-21, the Audit Office will complete 61 financial audits and issue 30 limited assurance reports on agencies' statements of performance. The Audit Office will also deliver nine performance audits as well as an additional two audits that could not be completed in 2019-20 due to the COVID-19 pandemic. The Audit Office uses contractors and specialists, as required, to assist in the delivery of the audit program.

As a not-for-profit reporting entity, the Audit Office has two sources of primary revenue – appropriation and financial audit fees.

In addition to these revenue sources, the Office has had cash reserves to manage operating deficits arising from emerging operational needs and to fund some corporate overheads; most recently the Office has used its cash reserves to fund critical staff establishment changes and to implement new software for conducting financial audits. As a consequence, the Office is projecting an operating deficit in 2021-22.

To manage this deficit, the Office has conducted a review of its fee setting

methodology for financial audits resulting in higher costs to be recovered from agencies in audit fees in 2020-21.

The Office has also carefully managed its operating costs by applying budget control mechanisms such as redeploying staff to other areas of the Office during financial audit non-peak periods, closely monitoring proposed corporate expenditure and limiting corporate expenses to only essential expenditure during non-peak periods.

The appropriation to the Audit Office, applied under the budget appropriation process, is the key funding mechanism for delivering performance audits and a range of other Audit Office activities to promote public accountability in the public administration of the Territory such as handling of public interest disclosures and representations, the preparation of two reports each year on the results of the financial audit program, attending internal audit committees and reviewing whole-of-government financial reporting policies and accounting advice. The appropriation covers the production of the Audit Office's annual report, learning and development programs for staff, and other administrative expenses associated with a professional office such as accommodation and information technology costs.

It is estimated that the Audit Office will incur an operating deficit of \$647,000 in the current financial year (2020-21) compared to the operating deficit of \$994,000 in 2019-20 audited outcome that arose largely due to the Office's internal establishment changes and some impact from the COVID-19 pandemic.

The Office continues to work on measures to improve its operating result, commencing from 2020-21 through to 2023-24. These measures include a combination of seeking additional appropriation, continuing to review the costs to be recovered in financial audit fees and managing the Audit Office's overall operating costs.

THE CHAIR: I will kick off with the first question. With regard to how the Auditor-General's office engages with MLAs, there is the letter which details the forward program each year. Is there any other engagement, apart from with the public accounts committee, that the office undertakes?

Mr Harris: I have read the privilege statement, I understand it and agree to it. Thank you for the question, Chairman. The process of engagement in normal circumstances—normal being any year other than last year, and hopefully most years from here on in, given COVID—is direct engagement, to the extent possible, by me with members of the Assembly.

Principally, it is my normal practice to have face-to-face meetings with the Chief Minister, the Speaker, the chairman of the public accounts committee, the Leader of the Opposition and the leader of the Greens. In terms of other members of the Assembly, it has not been my practice to meet specifically with them individually at my invitation, although there is a standing invitation from me to any MLA to meet if they so wish.

We also have direct correspondence, as we are contemplating forward programs, with all MLAs in their capacity as MLAs—as opposed to the Chief Minister or the Leader of the Opposition, for example—by way of invitation to seek their thoughts or views.

We also, as I said, have standing invitations to all MLAs. At the commencement of this Assembly, at the invitation of the Clerk, I did a presentation to newly elected MLAs to, in brief, outline the role, function and duties of the Auditor-General and the relationship between the Auditor-General and the Assembly. Of course, there is always an open invitation to expand on that in more detail if any member of the Assembly wants a more detailed briefing about the Auditor-General Act in particular, which is the key piece of legislation governing what I do, why I do it and on whose behalf I do it.

THE CHAIR: In terms of the feedback or suggestions that you get from MLAs, is that particularly forthcoming?

Mr Harris: No is the short answer to that. It is probably more forthcoming from MLAs who are not in government than MLAs who are in government, and that is a completely understandable position. Having said that, the feedback I get from the Chief Minister and ministers in terms of the forward program is positive and it is extensive, in terms of my one-to-one relationships.

By and large, I think that the question of how we engage and how we encourage MLAs to have a deeper interaction is a question I have not cracked yet, and I do not think any of my predecessors in this jurisdiction or other jurisdictions have necessarily cracked it that well, either. I do not know what the answer is to that, other than continuing to make myself available for conversations. It might be that a conversation is a better way of doing it than written correspondence. There is a certain formality to that which probably does not engender a free flow of information.

MR PETTERSSON: I have a question about the average cost of a performance audit. In 2019-20 in the ACT it was \$296,000. Australia-wide in 2019-20 it was \$400,000.

Mr Harris: Yes.

MR PETTERSSON: The ACT is quite a small jurisdiction. In terms of economies of scale and geographical distances that need to be considered, relatively, how is the ACT going in terms of cost of performance audit?

Mr Harris: The first thing to say is that our cost is going up, not just for performance audits but for the cost of all of our products, because the cost of doing business is going up. It is a simple fact of life, unfortunately. COVID has had some influence on that. The necessity for professional officers, be they auditors, accountants, doctors or lawyers—it does not matter—to maintain their competence, to maintain their standards, to keep up with technology, to keep up with new methodology and software, and to keep people continually trained to the level that is necessary is a costly business. We have experienced that increase in cost, as is adequately and very bluntly demonstrated in our financial results over the last year or so. Our cost for all of our products, including performance audit, is going up, and has gone up.

I think it is fair to say, in terms of performance audit, that complexity of subject matter is a key influencer on cost. The more complex the subject matter, the more expertise you need to undertake the audit. That frequently involves specialists, subject matter experts, to provide you with input. I suspect, in terms of our comparison with

other jurisdictions, it is that which causes a lot of the differential between the cost here and the cost in other jurisdictions.

MR PETTERSSON: As in—

Mr Harris: Size is an issue as well.

MR PETTERSSON: On the first point, is the ACT doing more complex performance audits than other jurisdictions? I know that is a big generalisation. I would assume we would have equally as many complex and straightforward performance audits.

Mr Harris: Yes, they are, but we are a much more compact jurisdiction. Our directorates are not as large as other jurisdictions. In smaller jurisdictions it is easier to get closer to the subject than it is in a larger jurisdiction. It also depends upon the range of subject matter that you are auditing, in particular. Other jurisdictions have larger mandates than we do. They cover a lot more territory. It is just a reflection of size as well. Most other audit offices are a lot larger than ours.

MR PETTERSSON: You might have to take this on notice: do you know what is the most expensive jurisdiction in which to perform a performance audit and what is the cheapest jurisdiction?

Mr Harris: I do not, but I will ask Brett Stanton to answer that question for you.

Mr Stanton: I have read the statement, and I understand and agree with it. Every year, we calculate the average cost of our performance audits, as do the other audit offices. There is a process that we all go through at the end of the June period, into July, to do a benchmarking exercise. All of the audit offices calculate their average costs.

Absolutely, we are consistently the lowest in terms of the average cost. As far as the other audit offices are concerned, I do not know off the top of my head which one is the most expensive, but they are all generally, on average, more expensive than us. It is primarily, as Michael said, a reflection of those larger offices. Victoria, the ANAO and New South Wales are large offices.

MR PETTERSSON: If you could take that on notice, that would be wonderful.

Mr Harris: We will do that. The commonwealth probably are the most expensive, and that is probably a reflection of things like defence, for example. They also have a lot of staff that do overseas travel—auditing foreign missions, for example.

MR PETTERSSON: That is a nice line of work if you can get it!

Mr Harris: The odd trip to Jervis Bay does not count!

MR BRADDOCK: For every trip there, there is probably a trip to Woomera—

Mr Harris: Yes, probably.

MR BRADDOCK: to find that missing missile. In the last paragraph of your opening

statement you state:

The Office continues to work on measures to improve its operating result, commencing from 2020-21 through to 2023-24. These measures include a combination of seeking additional appropriation, continuing to review the costs to be recovered in financial audit fees and managing the Audit Office's overall operating costs.

Can you please provide me with more detail against each of those three measures and where the Audit Office is at?

Mr Harris: Certainly. I will start with financial audit fees. You would appreciate that, on the financial audit side, the clients pay the cost of those audits. The Auditor-General Act requires them to do so and also requires me to set the fee for each auditee. We do that on an annual basis. We do a significant costing exercise to understand precisely how much we spend on financial audit. Indeed, we have just gone through that exercise recently. We have just increased the hourly rate that we charge auditees, reflecting the increasing costs that I mentioned a few minutes ago.

MR BRADDOCK: By what percentage has that increased?

Mr Harris: It has gone up to \$175 an hour, on average. It was sitting at around \$145, on average, before that. That number had not changed for quite some time, so there is a bit of catch-up involved in that. Part of the exercise in calculating that fee is to ensure that what we are charging our financial audit clients purely relates to the cost of providing that service and is not cross-subsidising any other part of the operation. That is that third of the exercise.

In terms of additional appropriation, we receive appropriation, by and large, to cover the cost of performance audit and to cover the cost of some of the other services that we provide to the Legislative Assembly and to the community generally—for example, our responsibilities under the Public Interest Disclosure Act representations, and those sorts of things. There are a number of summary reports that we provide to the Assembly on our audits within the computer sphere and the IT sphere, for example, which are essentially summaries of the other work that we do.

The very large bulk of the money that the Assembly gives us is for performance audit. As I said before, the cost of performance audit is increasing, and that will be the substance of our requests for additional appropriation through the next budget process. That is that third of the exercise. The other third of the exercise—

MR BRADDOCK: Just to be clear, that will be the next budget process, going through in the second half of this year?

Mr Harris: Yes. The third part of the exercise is containing our own cost base to try and minimise the cost increases on the financial audit side and minimise the request for appropriation on the performance audit side, given that the Assembly, if you like, is our client for performance audit, as opposed to the directorates. We have gone through an exercise. We had substantial reserves at the beginning of last year and there have been substantial reserves for quite some time. We have been forced to change our IT and our computer methodology on the financial audit side in the last 12

to 18 months, which cost us a bit over half a million dollars, which we have absorbed ourselves.

We have gone through an exercise to ensure that we reduce any unnecessary expenditure within the organisation to ensure that our overhead component in our cost structure is as low as it can possibly be, so that our requests for appropriation and our increases in fees are as low as they can possibly be. Does that answer your question?

MR BRADDOCK: That answers my question; thank you.

MR CAIN: Auditor-General, what guides you and your office as to whether to conduct an audit? In particular, what criteria lead to a dismissal of a suggested investigation?

Mr Harris: There are and there are not criteria for what might go into a performance audit. We do have a document—

MR CAIN: I am starting to get a bit worried here!

Mr Harris: We do have a document that sets out broadly the sorts of things that we look at. We try and canvass as broad a range of community input as is possible in order to inform ourselves as to themes across the community that might be of interest—areas where there are demonstrable concerns and those sorts of things across the directorates.

We invite input from directorates; we invite input from directors-general and MLAs, as we talked about before. We write to a large number of community organisations across the territory to seek their input. We write to individuals. We keep every representation or public interest disclosure that comes to us on a register so that we are monitoring trends.

We keep a watching brief on community newspapers, for example, to get abreast of what is going on around the territory, all of which informs the subject matter that we put into our draft forward programs.

MR CAIN: What is the tipping point whereby you commence an audit or dismiss a suggestion?

Mr Harris: Sometimes it is just whether or not it piques my interest. I have complete discretion in that regard, which is the other half of the answer to your question.

MR CAIN: How many were—

Mr Harris: Sometimes things will come out of the blue. For example, there is a procurement process in a school that we are interested in at the present time. We have not started it yet, so I will not name the school. That came to us through what started life as a potential public interest disclosure. It then developed into something that was a little more interesting and showed more signs of being an area where the Auditor-General should show some interest.

MR CAIN: How many requests were declined in 2020?

Mr Harris: That is difficult to answer, because “decline” would imply there has been a specific request to do an audit. I get very few specific requests to do an audit, so I do not actually decline. In fact, I do not know that I have ever declined any, because I do not know that I have ever been directly asked to do one. We get suggestions. For example, I had a letter only two days ago from—

MR CAIN: Let us say “suggestions”, then, that you do not take up.

Mr Harris: Yes. We got a letter a couple of days ago from a member of the community. It was not a PID; it was not a representation. It was simply a piece of input into our process. That letter suggested an area within land management that might be of interest to me. Given that we have just done a performance audit on land management agreements, that fits a theme that is currently of interest to us, so we have put it into the process for consideration in the forward program. I have not declined it; I have put it in the program.

MR CAIN: Pending, perhaps.

Mr Harris: Yes.

MR CAIN: Were there any requests from government in 2020 that were refused?

Mr Harris: No.

MR CAIN: And finally—

Mr Harris: Well, no requests received.

MR CAIN: With the exercise of your discretion to not take on an investigation that is requested—perhaps this is a hypothetical; I do not know—who audits that decision, so to speak?

Mr Harris: That is at my discretion.

MR CAIN: There is no right for that to be challenged?

Mr Harris: The Auditor-General Act provides that discretion to me.

MR CAIN: No reviewable right in the Supreme Court?

Mr Harris: No. The ultimate review right, of course, sits with the Assembly.

MR CAIN: Yes.

Mr Harris: I stress that I have not had a request to do an audit.

THE CHAIR: Will you please talk the committee through the appointment of the auditor for your agency’s accounts?

Mr Harris: The annual accounts or the strategic review?

THE CHAIR: No, the annual accounts.

Mr Harris: That is a process essentially undertaken by the Speaker to appoint somebody independent to audit our accounts. In fact, they have gone through that process just recently. It needs to be somebody who is independent of us, clearly, who does not work for us and does not have a contract with us—does not do any of that. There is a tender process, as I understand it. I pay the bill but I do not have any part in the process, other than to provide assurance that, with respect to the firm that is selected to audit us, there is no conflict of interest, either with me or with them.

THE CHAIR: What would constitute a conflict of interest? If they were doing significant work elsewhere in government, would that be a conflict or not?

Mr Harris: We use a lot of contractors across both financial audit and performance audit, and indeed across internal audit, for that matter, around the territory, around Canberra. The conflict of interest would more than likely come if we had hired that firm, or they were currently doing work for us in one or other of the areas where we use external audit firms.

We also use specialists in audit firms to do valuations—for example, actuarial assessments and those sorts of things. There is a fairly broad reach as far as our activities are concerned, so conflict of interest, particularly in a small jurisdiction like this, is always a risk.

THE CHAIR: Yes, and that goes to my next question. With the contractors that assist with various performance audits in particular, obviously, there is a fair chance that they have done other work in government.

Mr Harris: Yes.

THE CHAIR: And it is not impossible that there would be either some overlap in terms of legacy work or personnel in some capacity.

Mr Harris: Yes.

THE CHAIR: I was wondering how you go about managing that.

Mr Harris: You are perfectly correct, and particularly in the area of subject matter experts. We frequently use subject matter experts—

THE CHAIR: Anything to do with property, for instance; it is a pretty small property industry in Canberra.

Mr Harris: Yes. We will use experts from other jurisdictions. Indeed, we have one contractor now from New Zealand, in order to ensure that there is no potential or possible conflict of interest with anybody. Indeed, the more complex the performance audit in particular becomes, the more difficult it sometimes is to find subject matter

experts who do not have a conflict of interest, even within Australia.

Transport planning, for example, is an area of specialist expertise, and there are very few of them in this country who are any good—and not that many around the world that are very good, actually. When a project like light rail, for example, is being undertaken, most of those people end up being contracted in there to do that sort of work. We have to cast the net fairly widely. We take great pains, and we go through significant assurance processes, to understand whether or not a conflict of interest exists, and to gain assurance that it does not.

MR BRADDOCK: What is the mechanism available to track recommendations that, once they have been recommended, the government has either agreed or not agreed to? Following on from that, how do you track implementation, to see whether it has actually been done as agreed by the government or not?

Mr Harris: We internally track those responses. I have been asked this question before. It has not been commonplace for us to go back, particularly on the performance audit side, and recheck how many recommendations have actually been implemented.

On the financial audit side, we are much more robust in following up recommendations and audit findings. Indeed, in every subsequent audit, we revisit every finding that is on the books, and annually report whether or not it has been resolved. Sometimes, if it has not, over a long period of time, we will escalate our views and our commentary about that to a higher level. Indeed, we have done that a couple of times recently. The University of Canberra is one that comes to mind. By and large, departments are good and getting better at resolving outstanding audit findings on the financial audit side.

On the performance audit side, I would have to say two things. One is that the time frame attached to performance audits is much longer than it is with financial audits, so in many instances the effluxion of time deals with the recommendations, perhaps not in the way that they were originally framed, but they have been dealt with by a change in policy or by a change in technology, frequently.

Indeed, on the financial audit side, a large proportion of the outstanding findings relate to computer-related issues. In many instances it is a software upgrade or a hardware upgrade that resolves the problem, rather than a direct action. In some instances an auditee will say to us, “I’m not going to do that until the next iteration of the software upgrade comes through, because that will fix it; otherwise I’ve got to go to an unreasonable cost or an unnecessary cost to fix something that’s going to be fixed on its own.” So a bit of common sense comes into play.

MR BRADDOCK: That can be quite a legitimate management response to an audit recommendation.

Mr Harris: Absolutely.

MR BRADDOCK: But it is sounding like there is a bit of a knowledge gap here as to performance audit recommendations. We are not tracking as to whether they have

been successfully implemented or not.

Mr Harris: Yes, that is probably a fair comment.

THE CHAIR: We will leave it there. Thank you very much.

Mr Harris: Thank you, Chairman. Thank you, members.

Appearances:

ACT Ombudsman

Manthorpe, Mr Michael PSM, ACT Ombudsman

McKay, Ms Penny, Deputy Ombudsman

THE CHAIR: It is good to have the ACT Ombudsman with us. You would, of course, be aware of the privilege statement that is in front of you. Before commenting for the first time, it would be appreciated if you would please state that you understand and agree to that statement. I remind you that we are being recorded today for transcription purposes. The first question will come from Mr Cain.

MR CAIN: Ombudsman, in the annual report, looking at table 3 on page 10—I am again happy to be corrected on any of the factual background here—it appears to indicate increasing levels of complaints about ACT government agencies, with complaints rising from 353 in 2017-18 to 424 in 2019-20. Do you have an explanation for the cause of this trend?

Mr Manthorpe: I have read the privilege statement and agree with it. There are probably a couple of explanations. One is that we have sought, in recent years, to make our existence, our presence and our operation known around the ACT community to a greater extent than perhaps had hitherto been the case. In recent years we have picked up some new functions, which means we are playing in some spaces that we were not previously engaged in.

For example, we have picked up oversight of FOI responsibilities. We have picked up responsibility with respect to reportable conduct pertaining to harm, or alleged harm, to children. We have picked up responsibility with respect to the Judicial Council—supporting the Judicial Council in its investigation into any complaints about members of the judiciary, and oversight of the new Integrity Commission in the ACT.

In all of those areas we are dealing with more things and more stakeholders. That, plus some reaching out to people and community groups around the territory, means there is growth in our jurisdiction that, in turn, generates growth in complaints. I think that is one part of the explanation.

The other is that there are some areas where we have seen growth in complaints. A particular factor between 2018-19 and 2019-20 would have been growth in complaints in relation to the prison, AMC—essentially, complaints from prisoners.

MR CAIN: You explained the broader functions that your office has taken on. In what ways have you sought to communicate to the community that you are available, particularly in your ombudsman function—that is the focus here; in my opinion, anyway—if they are dissatisfied with a government service, and at least as some point of finality, if they do not know what they can do next? How are you letting the community know of this option?

Mr Manthorpe: We try to be active in our outreach with a whole variety of community organisations. We do not do expensive—

MR CAIN: Could you name some, for example?

Mr Manthorpe: ACTCOSS, the various Indigenous representatives, disability organisations, the human rights community—people of that ilk or groups of that ilk. We seek to reach out and engage with those sorts of community organisations.

We have improved our website. Everybody tries to continually improve their websites. We are no exception. We want our website to work. We run pretty unspectacular but still ongoing social media activity. We are not trying to make an enormous noise, but we are trying to be out there and present amongst the people who might be interested in our services.

MR CAIN: Could I ask why you are not making an enormous noise? It really does touch on your functions. I think everyone is affected by a government decision in the ACT, probably on multiple occasions. It is handy to have organisations that are representing particular classes of citizens. Obviously, the majority of the community are probably not in a particular category where they have a government-facing organisation.

Mr Manthorpe: Sure. I will come to your question, but we also make ourselves available at all sorts of community events—the multicultural fair and things like that. We set up a stall, sometimes with the Human Rights Commission or others. My point is that we do try to reach out to the community in various ways.

In terms of whether we seek to make a huge noise, every ombudsman has to make a judgement about how to try to influence the system that they are working in. In this game we can make recommendations, we can investigate things and we can inquire into things. But we cannot actually change what the agencies that we oversee do. That is true at the commonwealth level, where we operate. It is also true at the ACT level.

Ours is an occupation where we are seeking to influence for good administration. Sometimes the best way to do that is actually behind the scenes, or by working directly with agencies about complaints, without necessarily producing sensational-sounding reports. We certainly put material out into the public domain, but we seek to walk that road.

MR CAIN: You could make a recommendation, “This could have been done better this way”?

Mr Manthorpe: Yes, that is right. Sometimes we think issues justify publication. We do put out a number of publications—not just our annual reports but reports on various things. At other times we think, “The better way to try and influence topic X or agency Y is through recommendations direct to them,” or discussions and so forth.

MR CAIN: In particular, I note that on page 14 of the annual report, Access Canberra had complaints increase by 29 per cent.

Mr Manthorpe: Yes.

MR CAIN: Can you outline why you think that is the case and explain the primary nature of the complaints across Access Canberra?

Mr Manthorpe: I am not sure that I have a great amount more detail in my mind than the sort of issues that are listed there. There are a number of examples—licensing and registration issues, issues with building and construction, noise approvals, parking and traffic infringement notices, wait times for vehicle inspections, and so forth.

We get complaints about a wide variety of things from a wide variety of people in the community. In the Access Canberra case, I do not think it is any one burning issue. It is just issues that arise in the day-to-day administration of public services in this city, coupled with the fact that, as I said, we have sought to be a bit more visible, a bit more present and a bit more active.

MR PETTERSSON: I have a question about the ACT Integrity Commission. You received one complaint in the reporting period, but it was not finalised. Has that been finalised?

Mr Manthorpe: Yes, it has. In fact, I can give you an update on one; the number I now have is three. One was at 30 June last year. That one was finalised, and we did not find any maladministration by the Integrity Commission.

MR PETTERSSON: Was it finalised with investigation or without investigation?

Mr Manthorpe: We certainly made some inquiries. Whether or not we undertook a formal investigation, I am not sure. We looked at the matter as closely as we felt we needed to to form a view that the Integrity Commission's actions were reasonable. I will not go into anything confidential here, but it pertained to the Integrity Commission's decision not to investigate something. We anticipate that we will get complaints about that.

Oversight bodies or integrity commissions get complaints about that kind of thing because integrity commissions, a bit like ombudsmen, cannot investigate everything. So you end up with unhappy members of the public feeling like their critically important issue has not been dealt with. We had a look to see whether we thought what they did was reasonable and we formed that view in relation to that one matter. Since then there have been two more of a similar ilk, one of which we have reached the same conclusion on and one of which we are still having a look at.

THE CHAIR: Then that person goes to the Integrity Commission and complains about your decision and it goes on.

Mr Manthorpe: That is right. People can seek reviews of our decisions but, yes, here we are.

MR PETTERSSON: Just being quite precise about the phrasing, the way it is reported is “finalise with investigation or finalise without investigation”. How do you determine which column you are putting it in if there is this kind of nebulous—

Mr Manthorpe: Yes.

MR CAIN: It sounds like one of my questions, Mr Pettersson.

Mr Manthorpe: With respect to that particular one, I simply do not know off the top of my head whether we—

MR PETTERSSON: That is fine.

Mr Manthorpe: There is a precise answer to the question, and that is, when a complaint comes in, if my staff decide it is worth investigating they actually exercise a power under the Ombudsman Act. They will write to an agency—it might be Access Canberra, for the point of the argument—and say, “We have received this complaint and we are requiring you, under section X of the act, to provide us with information about this matter, what happened and so on. And we are doing an investigation in a formal sense.” That is the sort of path. We either take that path or another to either exercise a power or not. With respect to the Integrity Commission, I am happy to take on notice whether they were formal investigations.

Ms McKay: I can assist.

Mr Manthorpe: Ms McKay might be able to answer.

Ms McKay: I have read the privilege statement and I am content with that. I can confirm that we declined to investigate both of those complaint matters and neither complainant requested an internal review of that.

MR PETTERSSON: Wonderful.

MR CAIN: If a complaint is not investigated, there is an internal review? Is that within your legislation?

Mr Manthorpe: Yes.

MR CAIN: That is an internally reviewable decision?

Mr Manthorpe: Yes.

MR CAIN: If that internally reviewable decision is to disallow the objection, so to speak, does that then go to the tribunal as a reviewable decision?

Mr Manthorpe: I do not think so. In effect, we then become the end of the road, unless the person wants to go to the court about their matter.

MR CAIN: You mean go to the court about your decision?

Mr Manthorpe: No. If we decide not to investigate something, or even if we do investigate something and the person who complained to us is not happy, either way, that does not rectify the person’s underlying issue—for example, how much their licence cost or something.

MR CAIN: I understand.

Mr Manthorpe: If they are still unhappy about that issue then they can go to the courts to seek recourse in relation to that.

MR CAIN: Of course. I have just one supplementary on the Access Canberra situation. The report, at the same page, page 14, indicates that you are meeting with Access Canberra on a quarterly basis. Can you provide an outline of what was discussed in those engagements and also what were your recommendations?

Mr Manthorpe: I am happy to take that on notice. I do not have that detail with me. Do you have anything on that, Ms McKay?

Ms McKay: I do not.

Mr Manthorpe: No.

MR CAIN: Who met with Access Canberra?

Mr Manthorpe: It would probably have been the Senior Assistant Ombudsman.

Ms McKay: Yes, Ms Macleod, who could not be here today.

Mr Manthorpe: We currently have our acting Senior Assistant Ombudsman, Symone, here with us. Louise Macleod is normally substantively in that role, but she is currently elsewhere.

MR CAIN: Thank you. You will take that on notice?

Mr Manthorpe: We are happy to take that on notice.

MR CAIN: Thank you, Chair.

MR PETTERSSON: On page 9 of your annual report you give a geographical breakdown of where complaints come from. I am wondering if you can draw any conclusions as to where those complaints come from?

Mr Manthorpe: Not a great deal, other than that they are spread around the territory. There is a pocket that seem to come from Hume, which I think might be where the prison is. I suspect that that is why there is a group from there. I have looked at this picture. I think it is a terrific graphic, but when I have looked at it, I have thought I am not sure I can discern anything more meaningful out of it than that.

MR PETTERSSON: It seems to be almost a bit random in terms of some of the numbers. It is definitely not based on population. Gungahlin and Belconnen have wildly different numbers. The inner north far exceeds everyone else. But you do not have insights into it?

Mr Manthorpe: I do not think I have any great insights into it suggesting some particular regional factor.

MR PETTERSSON: That is interesting. Thank you.

MR BRADDOCK: My question is about ombudsman reviews of freedom of information decisions. I note in your annual report you say that the original decision was varied in six cases and set aside in six cases. Can you talk me through, without naming any one individual case, any lessons learned or what the reasons might have been for those outcomes?

Mr Manthorpe: First of all, we publish all of those decisions. Every time we do a review, it gets put up on our website. If you are interested—

MR BRADDOCK: Thank you for setting me straight.

Mr Manthorpe: you or your staff can have a look at the decisions. Essentially, as the report indicates, there are a number of occasions where we have either set aside a decision completely or amended the decision to include, typically, that more be released than had hitherto been released. I think the high-level story is that this Assembly a few years ago passed new FOI laws that were deliberately pro-disclosure in their bias; there is a pro-disclosure emphasis in the laws.

I think it is fair to say that the law requires that directorates be more open with what they release than had hitherto been the case. I think some of them have been on a journey there—that is to say, we have been working closely with them over the last few years around helping them understand what the new laws actually mean and working through the sorts of tests that apply.

Within the law, there are a series of tests. The process that a decision-maker has to go through is to identify from the law what are the tests that support disclosure of information. Then there are a set of tests that have to be considered that do not support it—in effect, public interest tests that say, “It would be better to keep this secret.” They have to identify both and weigh them up.

The other point I would make is that in a number of the instances that we have revisited we have felt that not enough emphasis and not enough effort was placed on really thinking through the pro-disclosure tests and why they ought to be brought to bear. That is a fairly general answer. If you would like us to do some sort of deeper analysis of the dozen or so decisions that fall under these categories, I am happy to take that on notice and send you something.

MR BRADDOCK: Yes. I am definitely interested in terms of where and how, which parts of the government are still on the journey and how far they have to go to reach a point where they have matched up with where the Assembly have specified they wish this information to be disclosed.

Mr Manthorpe: I would be happy. Would it meet the question you are driving at if we provided you with a bit of a summary of the typical reasons, from the published material, regarding those decisions where we felt more needed to be done and why?

MR BRADDOCK: I would appreciate that.

Mr Manthorpe: Yes.

MR BRADDOCK: Thank you.

Mr Manthorpe: I am happy to do that.

MR CAIN: The annual report, at page 11, notes that in 2019-20 43 per cent of complaints about ACT government agencies were closed within seven days. It is my understanding that the stated target for that is 60 per cent. Could you explain the cause for missing your own target?

Mr Manthorpe: Interestingly, one of the causes is that if you get more complaints, it is harder to meet your target. The more we promote our services and generate complaints, the harder it is to meet the target. We struggled with our timeliness targets on complaint handling during the latter months of the financial year. There was a COVID effect associated with getting people working from home and getting that to a productive point and things of that ilk. That was a factor.

We continue to work on our work processes, how we process complaints and determine those that we really want to have a closer look at and those that we can resolve quickly. We have recently put a greater focus on the concept of early resolution to try to get on top of this very issue. The team who work on the day-to-day complaint handling have been reorganised and restructured recently to put a closer focus on early resolution. We have also had some staff turnover. We have recently done quite a bit of recruitment to replace some folks who had left. We are running as hard as we can to get on top of that, but I acknowledge that we did not meet the target.

MR CAIN: Thank you. I note on the same page that one of your explanations—I am not sure you touched on it just then—was that you were getting a higher proportion of more complex complaints. Could you explain the difference between a simple complaint and a complex complaint?

Mr Manthorpe: We get complaints about many things. We get complaints that require deeper analysis and investigation and others that are quite simple. What might be a simple one? If we get a complaint like: “I think my rates bill is wrong; I’m a residential ratepayer and last year it was this much and this year it is this much,” and we go to the Revenue Office and quiz it and they quickly work out, “Yes, we’ve made a mistake,” that can be a quick and simple complaint.

On the other hand, last year we put out a report about a commercial rates matter where—in fact, it was a matter that this Assembly also took an interest in at one point—there was a very large increase in rates for a particular commercial property and the issue had been running for a long time. The individual concerned was very concerned about it and was struggling to get an explanation as to why. We thought it highlighted some deeper systemic issues, so we drilled into it quite forensically. All of that takes time. There is just a continuum of simple to complex across any number of areas of government administration.

MR CAIN: Would you say that the proportion of complex complaints out of the total

is increasing?

Mr Manthorpe: I cannot give you a piece of data on this, but something that my staff reported to me during 2020 that occurred during the lockdowns and so on associated with the pandemic—and similar things have been reported to me by other ombudsman offices around Australia—was a phenomenon where certain individuals were very distressed, unhappy, anxious and fixated about their matter. There was, if anything, an increase in the preponderance of that, which perhaps reflects something about the pressures and stresses that we were all under during the pandemic. That was something that was observed during 2020 that I hope we get past.

MR CAIN: I am assuming that you do not have a separate target distinguishing simple complaint resolution versus complex?

Mr Manthorpe: Actually, we do.

MR CAIN: You do?

Mr Manthorpe: Yes, we do. We break our complaints down into different categories. It goes in part to the point Mr Pettersson was raising before about what we do and do not investigate. We might make a simple inquiry and not investigate; we might commence a more formal investigation. We might need to do repeated engagements with an agency. As we go through those different decision points, we classify the complaints on a scale of one to five in terms of complexity. We set ourselves a different target in terms of time limits for those.

MR CAIN: Is the 60 per cent relevant to simple complaints? Am I reading that correctly?

Mr Manthorpe: That is right. We aim to resolve 60 per cent of all complaints within seven days—that is to say, we aim to complete simple complaints within seven days.

MR CAIN: You would assume the simple ones are going to be mostly done within that time and the more complex ones take you over.

Mr Manthorpe: Exactly.

MR CAIN: Do you feel you have adequate resources to meet your own targets?

Mr Manthorpe: It is always a stretch. I operate the Commonwealth Ombudsman's office and the ACT Ombudsman's office and come to governments or parliaments seeking more resources only when I am satisfied that I have done everything I can to improve the internal operation of the place and have it working as effectively as I can. It is always a stretch, but we do our best. I think I will just leave it at that.

MR CAIN: Is there proportional funding, given your commonwealth functions as well? How much money do you get for the ACT, compared to the whole pile?

Mr Manthorpe: We get about \$3 million from the ACT. That number has indeed grown in recent years as our functions have grown. We have the commonwealth and

our overall budget is about \$44 or \$45 million. I have a proportion of staff who work exclusively on ACT matters and I have some staff who support the work—for example, corporate staff who work across the whole office and a bit of their activity is, in effect, dedicated to the ACT and so forth.

MR CAIN: Has the proportion of ACT funding increased or stayed the same out of the total funding you have got?

Mr Manthorpe: They have both been moving. I would say that, if anything, the proportion of ACT funding has increased relative to the overall office in the three or four years that I have been the Ombudsman, simply because we have moved from being just a complaint handling body to having the series of other functions that I mentioned at the outset.

MR CAIN: Thank you. Thank you, Chair.

THE CHAIR: I might ask you a financial question, and that is about the dual hats that you wear—is that an arrangement that you can see being in place for the long term or do you think at some point there will be a need for the ACT to establish its own agency?

Mr Manthorpe: It is a really good question and one that I reflect on from time to time. In the end, that is a judgment call for the Assembly. Following self-government, the way the ACT Ombudsman Act works is that it basically says there will be an ACT Ombudsman and, until the ACT appoints one, it will be the Commonwealth Ombudsman. So at any time the Assembly could choose, if it wished, to set up its own office in this area.

I think the way it works now has some advantages. I would say that; but you get economy of scale from what we do. The people who are investigating those individual complaint matters might be doing that one day and the next day they might be investigating something about Centrelink, the National Disability Insurance Scheme or something in the Defence Force et cetera. So you get economy of scale and a capability that is quite widespread. I have got some terrifically capable people.

In addition, you get the corporate overheads. There is an argument in a financial sense for us to seek more through the budget process around that. That is something we are looking at now in the context of the coming budget. We are going through a process of formulating our budget bid as we speak.

You also get, in effect, a portion of two commonwealth statutory office holders, me and my deputy, and a capacity to look at some things in the ACT that other ACT entities cannot look at, in particular the policing. The fact that we have a role of oversight with respect to ACT police as part of the AFP I think is useful.

THE CHAIR: Is there ever any pressure from commonwealth ministers or commonwealth agencies to try to relinquish the ACT responsibility?

Mr Manthorpe: None of them have raised that with me, so no.

THE CHAIR: Thank you. We have a couple of minutes left. Does anyone have a quick question?

MR BRADDOCK: I have a really short one.

THE CHAIR: If it is a short question, I hope it is a short answer.

MR BRADDOCK: It is probably a clarification regarding open access information. You mentioned that there has been a significant decrease and you were going to look into it in 2021. Have you had an opportunity to have a look and has that occurred?

Mr Manthorpe: I am not sure whether you are familiar with all of our annual reports. We are required to publish the annual report that several of you have been reading from, but also one about FOI specifically.

MR BRADDOCK: Yes, which is where the question came from.

Mr Manthorpe: Indeed. There has been a material increase in the number of decisions to publish open access information in 2019-20. I hope that that continues in 2020-21. I do not have data with me about the number of decisions that have been made in 2020-21, but it was materially more decisions to publish in 2019-20 than in the previous year.

MR BRADDOCK: There was a decrease in the decisions not to publish?

Mr Manthorpe: That is right.

MR BRADDOCK: Is that a case where we have suddenly opened up the floodgates—

Mr Manthorpe: So that is a good thing.

MR BRADDOCK: or have they just forgotten to start checking whether or not they need to publish?

Mr Manthorpe: That is right. That is an issue we want to look into, and I think the report mentions that. There have been more decisions to publish, which suggests that the agencies are on a journey to putting more out there, which is what the act requires, and I think that is a good thing. There are fewer decisions not to publish.

What was not clear at the time we wrote this report, and it is something we are looking at more closely, was whether the decrease in decisions not to publish means there is less being put in the public domain or whether there is just more material out there that they are not making a decision about at all. I understand the point of your question.

MR BRADDOCK: I will be interested in your answer.

Mr Manthorpe: That is one where we probably do not know what we do not know. Nevertheless, it is an area where we are going to continue to focus in the period ahead.

THE CHAIR: Thank you. I think that is all that we have time for today. Thank you very much for attending the public accounts committee.

Short suspension.

Appearances:

Burch, Ms Joy, Speaker of the Legislative Assembly for the Australian Capital Territory

Office of the Legislative Assembly

Duncan, Mr Tom, Clerk

Duckworth, Mr Ian, Executive Manager, Business Support Branch

THE CHAIR: I welcome Madam Speaker and officers of the Office of the Legislative Assembly. Please state that you understand and agree with the privilege statement, which is the pink document in front of you. As per usual, we are being recorded and transcribed by Hansard.

Madam Speaker, my first question is on the statement of income and expenses on page 124 of your annual report, particularly the employee expenses, which are less than anticipated according to the budget. What portion of that \$500,000 or so would have been attributed to fewer hours for the attendants?

Ms Burch: I will flick to Mr Duckworth.

Mr Duckworth: I could not give you an exact number—I will happily take it on notice and we can drill into those numbers—but due to the COVID pandemic, obviously the building was closed to the public and we had a number of staff in the attendant cohort who did not have work to perform here.

Just to clarify that somewhat, we did have a couple of staff in that cohort who were able to re-engage in other work. We have had a project going on in the office in the Assembly for a year or so, working through archive records—laborious and occasionally interesting work. We have had two of our attendant staff working on that project. As a result, we did not have quite the downturn in staffing we would normally have had. We will take on notice to try to give you some sort of estimate of what the diminished work resulted in.

THE CHAIR: Thank you. And, if you are able, for a bit of context, could you show the previous years? Probably it would have to include 2016, being an election year, to get something that is comparable.

Mr Duckworth: Yes, sure.

THE CHAIR: There is still the budget. It is really 2020-21 that would be most affected by the election year, but possibly 2019-20.

Mr Duckworth: I would not have thought there would be any reductions in that staffing due to the election, but the COVID pandemic would have had some impact.

THE CHAIR: For clarity, for the question on notice, if you are able to, please could you advise the total expenses for the attendants for the last four or five financial years.

Mr Duckworth: Sure.

Ms Burch: Mr Coe, if there are other explanations for the difference of \$500,000, would it be useful to include that in the answer?

THE CHAIR: Sure. If that would create a clearer picture, that would be good. With regard to the attendants, obviously there was a need for some other services to be undertaken in the building related to COVID and the various policy responses. Were attendants given opportunities to do that work?

Ms Burch: Mr Duckworth touched on the alternative work, and the annual report makes mention of tidying up the archive and maintaining our records. Some attendants were deployed into that project, which offset some of the expected extra staffing costs, because we did not have to bring extra staff in. Mr Duckworth could go to that detail.

Mr Duckworth: The main area where there was additional activity was obviously in relation to cleaning services—touchpoints and so on. That is a service that we contract out externally, and we have engaged those contractors to do extra work. That was not work that we had envisaged providing to the attendants. The attendants that we have on our permanent staff were all retained. It is in the casual workforce where we would have had reductions in work offered.

MR PETTERSSON: I have a question about the members entrance security upgrade. It looks finished to me. Is it finished?

Mr Duckworth: It is close. One of the things we are waiting on for the final certificate of occupancy is advice on fire safety. There is a fire hydrant in the entrance where the fire brigade wished to see some modifications. They were out as of Tuesday of last week. They are happy. We are waiting on their formal report of that. Then it goes to the building certifier, who issues a certificate of occupancy, and we pay our final invoice. Yes, it is complete. We have some defects that are normal in a project of that size that the contractor is continuing to work through cooperatively with us. Some of those may take some months to fully resolve, but the final certificate of occupancy is imminent.

Ms Burch: Is it working for you as a member, Mr Pettersson?

MR PETTERSSON: Yes. I have the mildest of pet peeves in that the scanner does not work very well. My fob does not get picked up. That is not a real problem. The rationale for the project was to do a security upgrade. Is there consideration about the public entrance now?

Mr Duckworth: Yes. We have engaged our architects, GMB, who did the original redesign of the building back in the early 1990s and contributed to the design of the members entrance.

Some years ago, it was our intention to try and tackle both entrances at the same time, but we realised that the cost of that was going to be prohibitive and we put our emphasis onto the members entrance because of the new building and the prospect of

2,000 ACT public servants in very close proximity perhaps wanting to access the building.

We have begun a process of redesign and we have revisited the design for the public entrance. There are some security risks there that we have known about. The particular complication is that since we last visited that design, there has been a heritage registration for the Civic Square precinct. The external design that we had toyed with will not be compatible with the heritage registration.

On Tuesday of this week, we met with a heritage consultant, who has been engaged by the territory to undertake a conservation management plan for the precinct. We met with him and with our architects. The architect is scheduled to do a presentation to the administration and procedure committee, I think on 18 March, to give an indicative preview of how we would look to change the entrance and how we would look to accommodate the heritage requirements. We hope that by 30 June this year, we will have a preliminary design, and possibly something that could go to NCA for preliminary approval.

MR PETTERSSON: And then a budget?

Mr Duckworth: Then a budget, yes. We have done a cost plan. Then we would have to cost it and then look to seeking some funding and argue the business case.

MR BRADDOCK: My question is in the context of the news reports from Parliament House in terms of the unsafe work culture there. How do we, as MLAs and employers in this building, work with the Office of the Legislative Assembly to create a safe workplace culture for all staff who work in this building?

Ms Burch: Work on that progressed through the last Assembly. We had a policy ready to go within months, but we decided to hold on for that to be signed off. The practice and culture in the Assembly, I am pleased to say, does not reflect anything that goes on up at Parliament House. The Clerk and Mr Duckworth can go through some of the policy areas.

Mr Duckworth: As an adjunct to what Madam Speaker was saying, the Work Safety Committee in the last Assembly endorsed a revised bullying and harassment policy. The current policy dates to about 2012, maybe even earlier. As Madam Speaker indicated, the reason it was not endorsed is that it was in the final month of the last Assembly and the committee members felt it was worth parking it and waiting for the new Assembly to form.

We have done one thing in the office since that time. The Commonwealth Women Parliamentarians group put out a detailed document outlining its principles on bullying and harassment policies in parliaments. We have run that document alongside our draft and made some minor amendments to pick up some of its recommendations.

The Work Safety Committee is scheduled to meet for the first time in this Assembly on Tuesday week, I think. That is a tentative time; we are just waiting on some confirmations. One of the items on the agenda is the endorsement of the policy. We

want to emphasise that it is not something that has been developed in a kneejerk reaction to things up on the hill; this work has been in development for some time.

Mr Duncan: I have read and understand the privilege statement. You would be aware that the Ethics and Integrity Adviser has been tasked by the administration and procedure committee to review the members code of conduct. It is something we have done a number of times. The Ethics and Integrity Adviser wrote to all members asking for submissions on that review. He also wrote to me and the Commissioner for Standards.

I made a submission to the Ethics and Integrity Adviser. In that submission, I drew his attention to various reviews that have been conducted in the UK parliament—several reviews highlighting the issue of bullying and harassment in that parliament. I also drew his attention to the New Zealand Speaker commissioning an independent review of the New Zealand parliament’s bullying and harassment procedures.

I said in my submission that I am not saying that I am aware of any bullying and harassment in the Assembly. I was just drawing his attention to whether we need to look at the code of conduct, to see whether the code of conduct is of a sufficiently robust nature to deal with these issues, should they arise in relation to members.

That report is due back from the Ethics and Integrity Adviser imminently. It will go to the Standing Committee on Administration and Procedure. I would expect the admin and procedure committee to present a report to the Assembly with any possible changes to the code of conduct. Then it is up to the Assembly to decide if it wishes to change the code of conduct in light of that.

MR BRADDOCK: This question is probably more in the definitional space. When you talk of bullying and harassment procedure, does that have the scope and breadth to cover this sort of situation? Does it include complaints, grievances and the other associated paraphernalia that would be needed to ensure that these situations can be managed?

Mr Duckworth: The document is pitched at everyone in the Assembly workplace. It seeks to apply to everybody who is working. It would apply to members; it would apply to their staff; it would apply to parliamentary staff. In that sense, the particular mechanisms that might be available to people to bring a complaint would vary, depending on the circumstances and who was involved. If it is a matter that concerns a member, it would be a different process than if it involved a member’s staffer or if it was a member’s staffer concerned about treatment by an older staff member. The policy attempts to contemplate the fact that there could be varying codes of conduct or mechanisms that need to be used to deal with behaviour, but it tries very hard to make it clear that what would and would not be tolerated applies to everybody in the workplace.

MR PETTERSSON: What is the process if a staff member makes a complaint about a member?

Mr Duckworth: It would depend on whether they wanted to make it informally or formally.

MR PETTERSSON: Let us do both: informally and formally.

Mr Duncan: Members are obliged to abide by the code of conduct. Members must be respectful of staff; that is in the code of conduct. One option for the staff member would be to make a complaint to the Commissioner for Standards. The Commissioner for Standards would investigate that and report back to the admin and procedure committee. That is one option. There are some safety avenues that Ian might want to speak about.

Mr Duckworth: Let's say you are employed by a member and you feel that the member has behaved inappropriately towards you. One option, as Tom indicated, is a complaint to the Commissioner for Standards about a breach of the code of conduct. If it is a work safety concern, another option for the staff member would be to allege to WorkSafe that they are not being provided with a safe workplace by their employer; there could be an avenue for a complaint of that nature. There are other circumstances that could give rise to a complaint to the Fair Work Ombudsman or the commission about employment obligations being breached.

I am not trying to avoid the question. I am simply saying that, depending on the nature and the circumstances of each individual matter and the substance of the matters, it could give rise to alternative or multiple avenues for complaint. Our advice would always be to attempt to resolve those matters.

Mr Duncan: In both the UK and New Zealand examples, they have put into place independent bodies that would investigate the complaint that Mr Pettersson raised—specifically looking at bullying and harassment. I guess that is the gold standard, but it is quite a costly option. It does mean there is an avenue where any of those complaints can be assessed independently from the legislature. We have something similar with the Commissioner for Standards, but it is not quite the same as what the UK has.

Ms Burch: The office is always open, to both staff and MLAs, as a first point of contact for advice about the mechanisms. Some matters, as we have seen roll out over the last couple of weeks, are matters that can be resolved. Other matters have a different resolution aspect. It is about responsible reporting to external bodies and all sorts of things you will need to get advice on.

MR PETTERSSON: Does OLA have either some internal measure or some publicly reported measure of instances of bullying and harassment that have occurred in the Assembly?

Ms Burch: Was it in our annual report?

Mr Duncan: We have a section in our annual report on occupational health and safety. I am sure that if there were complaints, we would—

Mr Duckworth: Reflecting on our experience, there probably has not been. We would not necessarily include in our annual report a report to say that during the year there were two or—

MR PETTERSSON: I am not saying it should be published; I do not have a difficulty with that. It is just whether internally there is some measure of accountability. Is this occurring?

Ms Burch: There could be opportunity. Mr Braddock and I could have a discussion at the admin and procedure committee. If we are implementing and signing off on the new workplace policy, we could look at that as an internal mechanism and ask how we get a sense that people are aware of it and that the office is providing good advice. I would say it is something that the admin and procedure committee could look at.

MR PETTERSSON: What has been suggested is that there are numerous paths a problem could go down.

Ms Burch: Yes.

MR PETTERSSON: Potentially the problems are going down different paths. In totality, the Assembly would not be aware of the whole scale of the problem.

Ms Burch: I am happy to take that on, as Speaker and convener of the admin and procedure committee. Once we are through having it signed off by the Work Safety Committee, we can look at that and see what else we can do.

MR CAIN: I have not been here for long, but I am very comfortably satisfied that I can say congratulations to OLA for how you have managed your responsibilities over the last 12 months or longer. Thank you for that. Obviously, that management has included some additional arrangements. Some are rather obvious, but can I ask what the budget for the additional arrangements was for the 2020 calendar year and what elements contributed to that budget?

Mr Duckworth: The most significant expense that we incurred in dealing with the COVID arrangements was the additional cleaning. I understand that the cost of that runs to just over \$8,000 a month, so roughly \$2,000 a week. That is effectively a staff member throughout the entire day: our cleaning contractor circulating through the building. I think we have all seen them—they have been quite visible—spot cleaning, cleaning touchpoint areas, wiping down handrails and being summoned as meetings conclude to wipe down documents and so on.

MR CAIN: Did that commence in March or April last year?

Mr Duckworth: It was pretty quick. It was one of the first things we did. I would say it would have been March last year, yes. The Clerk has reminded me that we also adopted interim arrangements to install furniture in the chamber to enable members to spread out. There are the additional desks. I do not have the cost of that at hand, but I will take that on notice.

MR CAIN: Thank you.

Mr Duckworth: We also have arrangements in place, as I think members are aware, to provide microphones at the rear. That work is in progress at the moment

Ms Burch: We are hoping that in the March sitting we will see you all miked up.

MR CAIN: I am interested in the cost of sanitisers and sanitising stations.

Mr Duckworth: I will take that notice. I do not think that has been a significant cost. Initially, supply was a real issue. That was an issue not just around the country but around the world. The market responded. I can include the cost of the sanitising products in the answer to what we have taken on notice.

MR CAIN: Were arrangements similar for the North Building?

Mr Duckworth: Yes, absolutely. We treat the North Building and the Assembly building as the same workplace.

MR CAIN: Do you have a conceivable end date for the current arrangements? Obviously, you will be relying on advice.

Mr Duckworth: We will rely on public health advice.

MR CAIN: When do you think school visits and other public tours might be reintroduced?

Mr Duncan: Mr Cain, we would rely on the public health advice. I think we have a number of bookings. I might take that question on notice, to give you a better answer than that.

Ms Burch: We have a plan about normalisation—red, green and amber. That outlines some of the activities. The building is open; people can come in, as long as they follow the health directives. The reception room is now open for bookings. That is on our website; that is available. That will allow limited groups to come in, all within the conditions of COVID-safe arrangements.

Mr Duncan: The Director of the Office of the Clerk is away sick today—he had a COVID test yesterday—but he has just texted me to say that schools are back but they have to maintain the room limits for the reception room and the chamber.

THE CHAIR: The committee office is always under the pump and at the moment perhaps more than ever before. Is that borne out by the numbers in terms of FTE and expenses?

Ms Burch: I will bounce to the Clerk and to the Deputy Clerk. We have one select committee and seven standing committees and a new standing order that puts all bills to the standing committees. I understand that one bill has been looked at by a committee, but it is a point of meeting activity as to whether they determine there will be a review on it.

Mr Duncan: We always look at the committee office staff. You are right: a significant amount of work is done by the Assembly committees and they play a vitally important role. You will recall that in the last Assembly a report was done by the admin and procedures committee recommending a structure for the Tenth

Assembly, and largely those recommendations were agreed to. The report recommended seven standing committees plus administration and procedure, and that was followed.

The report also recommended that only in exceptional circumstances should select committees be established. The Assembly, in its wisdom, has decided that there is an exceptional circumstance and has established one select committee into a private member's bill that has been introduced.

Another change was that all bills be referred automatically to committees, and that is happening. I think about six or seven bills have been referred to committees, including, obviously, the Appropriation Bill. Of those six or seven, only one inquiry has been done; that was on the COVID legislation.

THE CHAIR: But specifically about staff levels, are there any vacant positions?

Mr Duncan: A research officer position is vacant. There are committee secretaries, research officers and administrative staff. There are two research officer positions and one of those is vacant, but an appointment is due imminently. We have just done a selection process and I think Ian has that now. So for all intents and purposes we have a full staff.

THE CHAIR: How long has that research officer position been vacant for?

Mr Duncan: I will have to take that on notice. I think it became vacant towards the end of the Ninth Assembly, but I will get back to you on that.

THE CHAIR: Yes.

Mr Duncan: One of the requests from all the committee chairs about the bill referral system was that an additional research officer would be beneficial. I am keeping a watching brief on the number of referrals and I have flagged to Madam Speaker that we may need additional resources for the next budget. I want to be able to go to Treasury with some statistics because Treasury will say, "Why do you need the extra resources?" I want to be able to say, "You can see that the committees have done a lot of inquiries into bills and therefore we need the extra resources." We were knocked back by Treasury last year when we applied for an additional technical officer to allow committees to operate at the same time. You really have to have a good business case to get Treasury funding, and I want to make sure that we have that.

THE CHAIR: In addition to the FTE, the actual headcount, are the gradings or seniority in the organisational structure optimal at present?

Mr Duckworth: We are consulting with staff at the moment to explore changes to the structure. We are consulting with staff and it would be useful for that process to run its course. But there is a proposal on the table that would alter the structure.

THE CHAIR: What is the time line for the implementation of that?

Mr Duckworth: As I said, we are in a consultation process with the staff and with the

CPSU, under our enterprise agreement. We have agreed to engage an external consultant to look at classifications of a couple of positions. That process is due to unfold with some interviews with the staff in a fortnight or so. It would be difficult to put an end date on it at this point.

THE CHAIR: I asked about the attendants earlier. Obviously Hansard would have been affected by the lack of sittings.

Mr Duckworth: Yes.

THE CHAIR: So if the questions that I put about attendants could also be taken on notice for Hansard, that would be good for completeness.

Mr Duckworth: Yes.

MR BRADDOCK: Page 2 mentions a central questions on notice database. Where are we at with that particular item?

Ms Burch: Ms Le Couteur, one of your predecessors, was very interested in this, Mr Braddock.

MR BRADDOCK: And so am I, Ms Burch.

Mr Duckworth: We have engaged a firm that has developed some software that is in use in a number of other Australian parliaments to develop some similar modules for us. Their first stab off the mark was some work that assists with keeping track of committee inquiries and activity and ultimately will help us to publish submissions and committee reports on our website more easily.

The second package of works is the questions database, and the current time line for the development, trialling and testing of that would see that work be completed by about the end of April this year. At that point, if it has all gone well—we should always make some provision for the fact that there might be glitches or things where the users are going, “Well, this is not really working the way I wanted,”—we would then aim to have questions able to be lodged by members through that portal and probably by May-June the back catalogue of questions for this Assembly loaded into the database. That is the plan.

Ms Burch: There is a lot of information in those QoNs and it is wise to make it easier to search and utilise.

MR BRADDOCK: So that we do not ask the same question twice.

Ms Burch: Yes.

MR CAIN: Page 5 of the annual report states that OLA completed the last phase of a project that commenced in 2018-19 to update a number of Assembly building ensuites and kitchenettes that had reached the end of their useful life. This phase of the work included the updating of three ensuites and 11 kitchenettes, at a cost of \$248,000. How is the decision on end of useful life reached?

Mr Duckworth: When this building was first refurbished to accommodate the Assembly in 1994, the then four ministers' suites—pause for effect—and the Leader of the Opposition and the Speaker's suites each had an ensuite bathroom and a kitchenette and each member's suite had a small kitchenette—a sink and storage area with a small bar fridge et cetera.

When we refurbished the building extensively to prepare for 25 MLAs in 2015-16 one of the major decisions taken was that we would not be able to cost effectively get plumbing into the six new suites that were constructed on the northern side. You will be familiar with some of the corridor kitchenettes and breakout spaces that exist as a result and, on the second floor, some shared showering facilities and so on for ministers who have to attend functions.

We also recognised that we were going to end up with six members in newly constructed suites, and our budget at the time accommodated a project to refresh the tired 1994 ensuites and bathrooms. We did a number of those under the funding we had to do the major upgrade, but we did not have enough money to complete it. So over successive years, using our annual capital funding, we went through three or four tranches of work. The ones reported in this annual report are the final conversions. Mr Coe and Mr Pettersson could probably share stories of what the old ones were like.

MR CAIN: And of that \$248,000, what was the majority spent on?

Mr Duckworth: In most of the bathrooms the tiling was completely removed, and there were new benchtops in shower areas, new toilet systems, new basins. It was pretty much a case of take out the old and put in the new.

MR CAIN: So when can I expect my office to have its ensuite?

Mr Duckworth: When you become a minister, the Leader of the Opposition or the Speaker.

THE CHAIR: Thank you very much to the Office of the Legislative Assembly for appearing today.

Ms Burch: Thank you, members. And for the record, a big thank you to OLA staff. They do a lot of work behind the scenes to help us do our jobs.

THE CHAIR: And that is estimates over and out.

The committee adjourned at 4.39 pm.