

2022

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**REPORT NO 7. OF THE STANDING COMMITTEE OF PUBLIC ACCOUNTS - INQUIRY INTO THE
AUDITOR-GENERAL'S REPORT NO 3 OF 2021: COURT TRANSPORT UNIT VEHICLE - ROMEO 5 -
GOVERNMENT RESPONSE**

**Presented by
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Minister for Corrections
21 September 2022**

INTRODUCTION

The ACT Government welcomes the Standing Committee on Public Accounts' Inquiry ('the Committee') into the Auditor-General's Report titled *Inquiry into the Auditor-General's Report No.3 of 2021: Court Transport Unit Vehicle – Romeo 5* ('the Inquiry'), released on 18 May 2022.

The Report makes seven recommendations. The ACT Government has carefully considered all recommendations and:

- Agreed to three recommendations (namely: 1, 2, and 4);
- Agreed in principle to two recommendations (namely: 3 and 5);
- Noted one recommendation (namely: 7); and
- Found one recommendation not applicable (namely: 6).

A table summarising the ACT Government responses to recommendations made by the Committee and proposed actions and timeframes for completion to each of the recommendations can be found at Annexure 1.

GOVERNMENT RESPONSE

On 31 March 2021, the Auditor-General's *Report No.3 of 2021: Court Transport Unit Vehicle – Romeo 5* (the Audit Report) was tabled in the ACT Legislative Assembly. The Audit Report examined the effectiveness of ACT Corrective Services (ACTCS) procurement processes for the Romeo 5 vehicle and whether effective management arrangements for the operation of the vehicle had been established following WorkSafe ACT's concerns about the vehicle's carrying capacity in November 2019. The Audit Report concluded that ACTCS did not implement effective processes for the procurement of Romeo 5 and that while ACTCS did establish an operating procedure in December 2019 to comply with the concerns raised by WorkSafe ACT, the vehicle has not been used to transport detainees since March 2020. The Audit Report made two recommendations for the ACT Government to consider which related to:

- the ACTCS procurement framework (1a-1c); and
- future use of the Romeo 5 vehicle (2a-2b).

ACTCS has undertaken a number of activities to complete the two recommendations made in the Audit Report. Those recommendations are now considered to be complete and have been formally closed. ACTCS has conducted an assessment of procurement practices and identified whole of government training, provided by Procurement ACT, that will be utilised to upskill staff on procurement practices. In relation to the future use of Romeo 5, after careful consideration and consultation with JACS Safety Health and Wellbeing team and SG Fleet, ACTCS determined that Romeo 5 should be replaced with a vehicle that is fit for purpose for the Court Transport Unit. The Standing Committee on Public Accounts resolved to establish a formal inquiry into the Audit Report on 30 June 2021. On 18 May 2022 the *Inquiry into the Auditor-General's Report No.3 of 2021: Court Transport Unit Vehicle – Romeo 5* (the Inquiry) was released, endorsing the Auditor-General's recommendations, and making a further seven recommendations (that also encompassed the initial two recommendations from the Audit Report).

In response to the seven recommendations put forward by the Standing Committee, ACTCS is committed to implementing the five recommendations identified as currently applicable.

ACTCS agrees to recommendation 1 and 2, namely implementing both Auditor-General's recommendations and to complete implementation by December 2022. The Auditor-General had recommended that:

- ACTCS review its procurement framework ensuring that roles and responsibilities be clearly identified and documented
- that procurements appropriately consider and document value for money and risk, and
- that training is provided for staff in procurement including probity, risk management and value for money considerations.

ACTCS is committed to following the JACS Procurement framework and the ACT Government Procurement Framework. ACTCS has reviewed its procurement processes and

developed and implemented the Procurement of Vehicles for ACTCS Operating Procedure, which was published on 9 December 2021. ACTCS has also identified whole of ACT Government training in procurement via HRIMS eLearning to be undertaken by ACTCS staff.

ACTCS notes that the recommendations in relation to procurement are consistent with the Procurement Reform Program. The Procurement Reform Program, which will be implemented over the next three years, focuses on transparent, evidence-based procurement decisions; supported, clear roles and responsibilities; and streamlined legislation, policy, process and templates that are efficient, and facilitate timely outcomes. An accreditation program will make sure that agencies that undertake procurement have the right capability to do so. The JACS procurement framework, which ACTCS follows, will align with the relevant elements of the reform program.

ACTCS agrees in principle to recommendation 3, which is to terminate the lease of the Court Transport Unit's (CTU) Romeo 5 vehicle and to commission a new vehicle. ACTCS will undertake a review to determine if the vehicle can be repurposed for other use within ACTCS. ACTCS has identified a replacement vehicle for Romeo 5 which meets all the safety, security, and purpose requirements. The vehicle has been ordered through SG Fleet. Delivery has been delayed due to delays with the global vehicle shortage.

Recommendation 4 asks that within six months of the new vehicle arriving, the ACT Government ensure that all Court Transport Unit staff who will be driving the vehicle be trained and provided with all information required to safely operate the vehicle. ACTCS agrees to this recommendation and commits to providing relevant CTU staff with training within six months of the vehicle's arrival.

ACTCS agrees in principle to recommendation 5 which asks that ACTCS ensure that any CTU vehicles that are procured are appropriate for the transportation of detainees, and that:

- a group of representative staff from the Court Transport Unit are involved in the procurement process and are able to test drive vehicles prior to their procurement
- ACT Corrective Services, through feedback provided from a working group of representative staff, devise and communicate its own specifications for the vehicle; and
- vehicles are fitted with reverse cameras.

ACTCS involved both the CTU and AMC Local Consultative Committees in establishing the vehicle specifications to ensure operational requirements were met. The vehicles have been ordered and are currently being configured to meet ACTCS' requirements. Reverse monitors (cameras) are standard in the vehicle model chosen.

Recommendation 6 is no longer applicable since ACTCS has identified a replacement vehicle for Romeo 5 that meets all safety, security and purpose requirements.

The Government cannot comment on recommendation 7 as that is directed towards WorkSafe ACT which is an independent statutory body.

Conclusion

ACTCS welcomes this opportunity to respond to the Inquiry and provide an updated account of our progress since the Government Response to the Audit Report was presented to the Legislative Assembly on 3 August 2021. ACTCS is confident that all recommendations identified in both the Audit Report and the Inquiry will soon be completed. Our focus on improving procurement processes and our work in establishing better consultative practices is consistent with our commitment to continuous improvement.

Annexure 1

ACT Government Response to Recommendations

Recommendation	Government Response	Implementation timeframe
Recommendation 1 The Committee recommends that the ACT Government implement all of the Auditor-General's recommendations.	Agreed	Complete
Recommendation 2 The Committee recommends that, by December 2022, the ACT Government implement the Auditor-General's Recommendation 1 in full.	Agreed ACTCS follows the JACS Procurement framework and the ACT Government Procurement Framework. The Procurement of Vehicles for ACTCS Operating Procedure (OP) was approved 9 December 2021. The OP requires Contracts and Procurement to work with relevant business units to develop the Statement of Requirements. The Procurement & Contracts operating procedure is currently being reviewed and refined. Whole of ACT Government Training regarding procurement has been identified on HRIMS eLearning to upskill staff.	December 2022
Recommendation 3 The Committee recommends that the lease for the Court Transport Unit vehicle - Romeo 5 be terminated, and that a new vehicle be commissioned which fits its purpose and meets the safety and security of correction officers and detainees.	Agreed in principle ACTCS has identified a replacement vehicle for Romeo 5 that meets all safety, security and purpose requirements. The vehicle has been ordered through SG Fleet, although, delivery has been impacted by global vehicle shortage.. ACTCS will consider if Romeo 5 can be repurposed for other use within ACTCS. In the event that the vehicle cannot be repurposed, ACTCS will terminate the lease.	This recommendation will be completed as soon as the new vehicle is operational.

Recommendation	Government Response	Implementation timeframe
<p>Recommendation 4</p> <p>The Committee recommends that, within six months of receiving any new Court Transport Unit vehicle, the ACT Government must ensure that all corrections officers and Court Transport Unit officers likely to use the vehicle be appropriately trained and be provided with the appropriate information to safely operate the vehicle.</p>	<p>Agreed</p> <p>Once the new vehicle is supplied, CTU staff will be given all required training and information relevant to operating the vehicle safely.</p>	<p>Due date: 6 months from receipt of vehicle.</p>
<p>Recommendation 5</p> <p>The Committee recommends that the ACT Government ensure that appropriate Court Transport Unit vehicles are procured for the transportation of detainees. In doing so, the ACT Government should consider that:</p> <ul style="list-style-type: none"> • a group of representative staff from the Court Transport Unit are involved in the procurement process and are able to test drive vehicles prior to their procurement; • ACT Corrective Services, through feedback provided from a working group of representative staff, devise and communicate its own specifications for the vehicle; and • vehicles are fitted with reverse cameras. 	<p>Agreed in principle</p> <p>ACTCS have adhered to the current Operating procedure to procure specialist vehicles for CTU and the AMC.</p> <p>During this process, appropriate consultation occurred through multiple forums, including the AMC and CTU Local Consultative Committee, to ensure vehicle specifications were identified from a local and executive level, and matched the operational requirements.</p> <p>The reconfiguration designs are still being developed with ACTCS and SG fleet.</p> <p>The vehicles identified have rear view monitors (reverse cameras) installed as part of the standard model.</p>	<p>September 2022</p>
<p>Recommendation 6</p> <p>The Committee recommends that, if the ACT Government decides to retain Court Transport Unit vehicle - Romeo 5, ACT Corrective Services should liaise with the ACT law courts to arrange to improve the clearance of the cable trays in the ACT Magistrates Court and ACT Supreme Court.</p>	<p>Not applicable as per response to recommendation 3</p>	

Recommendation	Government Response	Implementation timeframe
<p>Recommendation 7</p> <p>The Committee recommends that, by December 2022, WorkSafe ACT:</p> <ul style="list-style-type: none"> • review and revise its policies to provide greater clarity on its issuance of prohibition notices; and • prepare better practice guidance for entities after a prohibition notice has been issued. 	<p>Noted</p> <p>The Government notes the Committee’s recommendation in relation to prohibition notices and has drawn this recommendation to the attention of WorkSafe ACT, an independent statutory authority.</p>	