



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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SELECT COMMITTEE ON PRIVILEGES 2022

Mr Jeremy Hanson CSC MLA (Chair), Ms Jo Clay MLA (Deputy Chair),  
Mr Michael Petterson MLA

## Submission Cover Sheet

Inquiry into possible contempt of the Assembly:  
Imposition of prohibition notice by WorkSafe ACT

**Submission Number: 2**

**Date Authorised for Publication: 6 September 2022**



# LEGISLATIVE ASSEMBLY

## FOR THE AUSTRALIAN CAPITAL TERRITORY

### SELECT COMMITTEE ON ESTIMATES 2022-2023

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair), Dr Marisa Paterson MLA

Mr Jeremy Hanson, CSC MLA  
Chair  
Select Committee on Privileges 2022

Dear Mr Hanson,

### SUBMISSION TO THE SELECT COMMITTEE ON PRIVILEGES 2022

The Select Committee Estimates 2022-23 (the Estimates Committee) is pleased to provide the following submission to the Select Committee on Privileges 2022 (the Privileges Committee) Inquiry into possible contempt of the Assembly: Imposition of Prohibition Notice by WorkSafe ACT.

We welcome the Privileges Committee examination of:

*whether there has been a breach of privilege relating to the actions of the Work Health and Safety Commissioner and any other person, and whether they have improperly interfered with the free exercise of the authority of the Select Committee on Estimates 2022-23 or breached any other privileges of the Assembly as passed the Assembly on 15 August 2022.*

This submission includes information pertinent to:

1. the Resolution passed by the Assembly on 15 August 2022 regarding Standing Order 277(a): *Interference with the Assembly*; and
2. two further matters that the Estimates Committee has raised with the Speaker under Standing Order 276 noting the Speaker has been overseas and has not yet been able to consider.

The submission includes the following Appendices:

- A. Matters of concern
- B. Timeline of events
- C. ABC Radio Canberra Interview by Minister Gentleman on 17 August 2022
- D. All correspondence between the Estimates Committee and either Minister Gentleman or the WHS Commissioner. Correspondence with other parties is also available should the Privileges Committee believe they may assist with their inquiry.

This submission does not include information derived from estimates hearings which are continuing at the time of writing.

Should any additional relevant information come to light, the Estimates Committee will forward this in writing to the Privileges Committee as soon as practicable.

The Estimates Committee are happy to provide further information or answer any questions that the Privileges Committee may have.

Yours Faithfully,

A handwritten signature in blue ink, appearing to read 'James Milligan', with a large, sweeping flourish at the end.

Mr James Milligan MLA  
Chair, Select Committee on Estimates 2022-2023  
1 September 2022

## MATTERS OF CONCERN

The Committee has a number of concerns that there was an interference in its free exercise of its authority in conducting the Estimates 2022-23 Hearings, which included the imposition of the Prohibition Notice by WorkSafe ACT. These include possible breaching of the following:

- Standing Order 277(a): Interference with the Assembly
- Continuing Resolution 5 Code of conduct for all members of the Legislative Assembly for the Australian Capital Territory, paragraph 3 - Members should uphold the separation of powers and the rule of law.

The Estimates Committee raised this matter with the Speaker 15 August 2022 as breach of Standing Order 277(a): 'Interference with the Assembly: A person shall not improperly interfere with the free exercise by the Assembly or a committee of its authority, or with the free performance by a Member of the Member's duties as a Member.'

The entire objective of the Committee was to fulfill its responsibilities under its Terms of Reference, by interrogating the budget and getting the Estimates hearings started and running on time.

The Estimates Committee views this entire situation arising from a disagreement between the Committee and Minister Gentleman regarding the format of Estimates Hearings. As is demonstrated through the correspondence, Minister Gentleman was of the view that hearings for his portfolios should be conducted online only or enabling all witnesses and officials to have the choice to attend either in person or virtually (see email dated 29 July 2022, letter dated 8 August 2022). In a further letter on 12 August 2022, Minister Gentleman suggested only Ministers be required to attend in person. The Committee is of the view that it was operating in a COVID safe manner, so attendance by Ministers and senior officials in person was entirely appropriate and safe.

It is the belief of the Estimates Committee that Minister Gentleman may have used his position as Minister for Industrial Relations and Workplace Safety to influence, suggest, or pressure the WorkSafe Commission to issue a Prohibition Notice to interfere with the Committee's ability to conduct hearings in person with online available in exceptional circumstances.

The Estimates Committee is of the believe that both the WorkSafe Commissioner and Minister Gentleman interfered with the Estimates Committee and the interference was improper.

This section is structured around the key tests in this Standing Order, being:

- the free exercise by a committee of its authority
- the impact of that interference on that free exercise
- issues in regard to whether that interference was improper or not.

### **Free exercise by a committee of its authority**

Committees have the authority to determine how hearings are to be conducted and what witnesses to call.

...the Assembly has inherent powers of inquiry. This power adheres to the constitutional design of our system of government and can be traced back through section 24 of the Self-Government Act, which establishes general equivalence between powers, privileges and immunities of the Assembly, its committees and its members with those of the Australian House of Representatives, and also section 49 of the Australian Constitution, which gives the House of Representatives the same



powers, privileges and immunities as the UK House of Commons at the time of the establishment of Federation.

These powers, privileges, and immunities were amplified by the Commonwealth Parliamentary Privileges Act 1987. The parliament's power of inquiry is essential to the operation of responsible government and resides untrampled in this place. It is a power that has traditionally been delegated to a parliamentary committee and has recognised that our standing orders provide that a committee has the power to call for papers, persons or records<sup>1</sup>.

The Estimates Committee decided that in person hearings (wherever possible, within COVID safe parameters) would provide the most efficient and effective means to conduct its Inquiry.

Hearings were to be conducted in accordance with the Legislative Assembly's COVID Safe Plan with social distancing, room limits and other practical COVID safety measures (i.e., a cleaner in the room). On-line attendance would be available, and the Committee had been working with the ACT Office of Legislative Assembly to provide Webex facilities on a brand-new screen system, to assist the inquiry.

### **Impacts of Interference on free exercise**

The impacts of this matter were numerous, significant, and wide reaching:

1. Under Prohibition Notice N-000005068- The Assembly was prohibited from carrying on the following activity: Undertaking '*any hearings or committee meetings at Legislative Assembly of the Australian Capital Territory*' until a risk assessment has been undertaken, adequate control measures are implemented in line with the Hierarchy of Control, and consultation has been undertaken with all affected workers'<sup>2</sup>.
2. Out of an abundance of caution, the Estimates Committee met off site on Monday 15 August, at a cost to the Office of the Legislative Assembly to avoid 'not complying' with the WorkSafe order.
3. The Prohibition Notice purportedly prevented the Estimates Committee from holding hearings in person.
4. The Estimates Committee asked the WorkSafe Commissioner to release to the Committee the name of the complainant and the detail of the complaint that was made against it. The reason the Committee views this information as important is because the Committee is of the belief there may have been political interference in the issuing of the two Prohibition Notices. This information was not provided to the Committee.
5. The Estimates Committee was forced to defer and reschedule half of the planned Committee hearings (1 week). This created extensive work for the Committee as the Estimates hearing schedule took weeks of planning.

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<sup>1</sup> Ms Joy Burch, Speaker, *Assembly Hansard*, 15 August 2022 p 2492-2493

<sup>2</sup> This Prohibition Notice was revised on 15/08/2022 to Prohibition Notice N-0000005078 which altered the wording to prohibit 'conducting committee hearings at the Legislative Assembly of the ACT, at which participants attend in person'. The Committee has significant concerns regarding the intentions, the professionalism and the enforcement decision making process of WorkSafe that it had to issue two notices. The Committee is of the strong belief that there was interference, or pressure from the Minister or his office to shut hearings down to be solely online. Worksafe ACT mistakenly shut down the entire hearings, and had to re-issue the Prohibition notice to solely focus on online.

6. The Estimates Committee was forced to undertake significant work to reach compliance with the two Prohibition Notices, based on what the Committee considers to be a faulty legal premise. This was despite an ACT Government-endorsed COVID Safe Plan already in place for the Legislative Assembly. The additional work included:
  - developing a hearing specific risk analysis; and
  - Consulting with PCBU's (person conducting a business or undertaking)
7. Because of significant time constraints that would have been placed on the Estimates process for the Committee (as per instruction of the Work Safe Commissioner) to consult with all the ACT Public Service Officials, the Committee made the decision to only call Ministers, Officers of the Legislative Assembly and other Statutory Officers as witnesses—ACT Public Servants were not invited as witnesses to comply with the Prohibition Notice<sup>3</sup>. The Committee also noted it does not view Ministers and ACT public servants as its 'workers'.
8. The Estimates Committee spent extensive time engaging with Minister Gentleman in what it thought was good faith to work to establish a hybrid model of hearings, however it is of the Committee's view that the engagement from Minister Gentleman was not genuine and there were already processes underway with WorkSafe ACT to shut down the face-to-face hearings.
9. Minister Gentleman has spoken publicly about 'seeking advice' from the WorkSafe Commission – it is unclear to the Committee when this advice was sought, and why a Provisional Improvement Notice was not issued on Thursday 11 August 2022 if this was considered a problem then.
10. The Committee is also unclear as to why WorkSafe ACT allowed a day of hearings with community members to proceed, without shutting the hearings down on the morning of 12 August 2022 if they were considered a 'serious risk to health and safety of a person emanating from an immediate exposure to a hazard'.
11. The Estimates Committee was forced to write to nine witnesses on 19 August 2022 following a face-to-face meeting with Minister Gentleman, correcting a factually incorrect letter signed by Minister Gentleman MLA, that was misleading and therefore interfere with the hearings.
12. The Estimates Committee was forced to issue a public statement to correct factually incorrect public statements made by Minister Gentleman.
13. The Committee had to call on the Office of the Legislative Assembly to allocate significant extra resources to respond to and advise about this matter.
14. The Legislative Assembly amended the reporting timeframes on the Estimates Committee report via a motion by Mr Milligan in the Assembly on 15 August 2022, because of the significant impact of the interference.

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<sup>3</sup> The Committee notes that it never consulted with the ACT Public Service during the Estimates process, so questions why a further Prohibition Notice was not served on the Committee as a matter of consistency, once the Inquiry was underway.

Even with the rescission of the Prohibition Notice, this matter has the potential to cause interference in future with the free exercise by a committee of its authority, until the legal question is resolved, either through court proceedings or via the provision of expert legal opinion. This ongoing uncertainty is unacceptable, and the Estimates Committee would encourage the Privileges Committee obtain expert legal opinion in order to aid resolution of the uncertainty surrounding this matter, without further delay.

### **Issues to consider whether the interference was improper or not**

The Estimates Committees concerns that are pertinent to the Select Committee on Privileges Inquiry are as follows:

1. Interference and obstruction by the WHS Commissioner and WorkSafe ACT of the Estimate Committee's constitutional right to inquire into the ACT Budget. The Estimates Committee has a right to call witness and conduct hearings in the manner decided by the Committee (Standing Order 277).
  - a. The Estimates Committee is of the view that the issuance of a WorkSafe Prohibition Notice was illegal. If legal advice confirms this, this erodes trust and respect in the rule of law by all involved.
2. Contempt by the WHS Commissioner in:
  - a. not responding to the letter from the Speaker sent 15 August 2022 requesting that the Prohibition Notice be lifted;
  - b. not providing details of the complaint or complainant to the Estimates Committee in the timeframe requested.
3. The influence of Minister Gentleman (and/or his office) over a Statutory Independent Office Holder being the WHS Commissioner and/or WorkSafe ACT in that:
  - a. WorkSafe ACT Inspectors were sent to the Assembly following 'telephone communications' seeking advice from Minister Gentleman and/or his office
  - b. Unclear reasons to prompt the revision of the Prohibition Notice to a position that aligned with the Ministers preferred position.
4. Questions regarding Worksafe's application of its own legislation and its own policy [WHS Enforcement Decision-Making Process](#) when issuing a Prohibition Notice under section 195 of the *Work Health and Safety Act 2011*.
  - a. Given existing COVID controls in the Legislative Assembly COVID safe plan, how did the circumstances represent "*a serious risk to the health or safety of a person emanating from an immediate or imminent exposure to a hazard,*" which are the legal requirements for issuing a Prohibition Notice under section 195 of the *Work Health and Safety Act 2011*. The probability of such a risk is not addressed in either Notice.
  - b. Whether issuing a Prohibition Notice was consistent with previous Worksafe enforcement action?
  - c. Whether a Provisional Improvement Notice was a more appropriate enforcement action in accordance with relevant legislation and policy, particularly if the complaint was made on the Thursday prior to the Community Day hearing.

5. Minister Gentleman's actions are viewed by the Estimates Committee as a pattern of behaviour which interfered with the Committee's authority to undertake hearings. This behaviour consisted of:
  - a. Sending letters to the Committee that it considers were designed to escalate the situation and were not in good faith in working with the Committee to get the hearings started in an COVID safe manner.
  - b. Making Public statements that described interaction between the Minister (or his office) and WorkSafe over the hearings that is not transparent.
  - c. Making factually incorrect comments on ABC Radio Canberra on 17 August (Appendix C) stating:
    - i. That the Estimates Committee would require 40 people to be in one room;
    - ii. That Canberra was experience record COVID numbers when according to ACT Health infections were at the lowest point since February 2022; and
    - iii. Comments that could be construed as attempting to influence the Estimates Committee to hold hearings on-line (see Appendix C).
  - d. Appearing to negotiate on 17 August 2022, with the Estimates Committee in bad faith on the basis that:
    - i. the Worksafe ACT Prohibition Notice was legal and valid; and
    - ii. requiring the Estimates Committee to consult with ACT Public Servants who are not the workers of the Committee.
  - e. Issuing a letter on 16 August to the Committee that has been construed as acting with contempt towards the Estimates Committee and others in the ACT Government that contained false statements of the agreed path forward when there was in fact no agreement. The Estimates Committee was required to send correspondence correcting the record. No correspondence has been received from Minister Gentleman to correct his statements.
6. As far as can be identified Minister Gentleman took no steps to uphold the separation of powers or the rule of law during the week of 15 August, despite the large questions over the legality of the notice and breach of the separation of powers. In light of his actions outlined above, it can be construed that Minister Gentleman acted at odds to the separation of powers and respect for the rule of law.

## TIMELINE OF EVENTS

1 July 2022	<p>Private meeting</p> <p>The Committee also agreed to depart from the previous practice of basing the schedule on budget outputs due to scheduling problems this has caused in the past including that:</p> <ul style="list-style-type: none"> <li>• the budget output statement was received too late for scheduling purposes,</li> <li>• had caused problems in the past for Committee members in knowing what questions to ask in which sessions and</li> <li>• whether it was appropriate to use a government document as the basis for the Committee's schedule.</li> </ul> <p>Letters sent to Ministers requesting details of availability by 8 July 2022.</p>
27–28 July 2022	<p>Invitation letters sent to Ministers and statutory officers with times allocated, including Minister Gentleman. The letter advised that the hearings would be in the Prince Edward Island room and that the Committee had advised that it was not basing the hearings schedule on budget outputs due to scheduling problems this has caused in the past.</p>
29 July 2022	<p>Email from Mr Gentleman's office requesting a scheduling change and that Minister Gentleman and officials appear by Webex.</p>
1 August 2022	<p>Email from Mr Gentleman's office requesting further scheduling changes.</p>
4 August 2022	<p>Private meeting.</p> <p>Committee agreed to changes to schedule due to:</p> <ul style="list-style-type: none"> <li>• resolution of Assembly to consider a motion of no confidence resulting in a delay in the start time on 15 August 2022 (2<sup>nd</sup> day of schedule)</li> <li>• changes requested by Mr Gentleman due to Policing operational requirements.</li> </ul> <p>The Committee heard that the Secretariat would advise on the practicality of using the new Webex equipment following testing and training which was to occur the next week.</p> <p>The Committee were advised of concerns raised with the Secretariat on attendance of officials and COVID safety arrangements.</p>

	<p>It was agreed that Webex equipment was to be used for exceptional cases where witnesses have COVID or are vulnerable.</p> <p>A reply was sent to Minister Gentleman advising:</p> <ul style="list-style-type: none"> <li>• declining to hold the hearings remotely, except due to health conditions making them vulnerable to COVID19</li> <li>• agreeing to a scheduling change in respect of Policing and seeking further information regarding a change to bring forward a session due to the impact on OLA technical staff this would cause.</li> </ul>
8 August 2022	<p>Letter from Mr Gentleman at 3.16pm in response to Committee letters sent on 28 July and 4 August 2022 regarding:</p> <ul style="list-style-type: none"> <li>• holding hearings face to face in the Prince Edward Island Room</li> <li>• the decision not to use budget outputs to split up sessions</li> <li>• seeking further information on social distancing arrangements</li> <li>• querying the use of Webex technology in the committee room.</li> <li>• suggesting all witnesses to choose to attend in person or remotely</li> <li>• providing the budget output statement</li> </ul>
10 August 2022	<p>Private meeting</p> <p>Committee agreed to a revised schedule as determined on 4 August 2022.</p>
11 August 2022	<p>Email from Mr Gentleman's office following up on letter of 8 August 2022 at 12.20pm.</p> <p>Letter from Committee to Mr Gentleman in response to his letter of 8 August at 12.34pm:</p> <ul style="list-style-type: none"> <li>• explaining why budget outputs would not be used</li> <li>• expectations on attendance of officials for the full session</li> <li>• social distancing and hygiene arrangements in place</li> <li>• concerns on the use of new Webex equipment and that they would be used in exceptional cases.</li> </ul> <p>Letter to Minister Gentleman regarding his revised times in the hearing schedule sent at 1.39pm.</p> <p>Letter from Mr Gentleman at 2.40pm in his capacity as Minister for Government Business and Minister for Industrial Relations and Workplace Safety:</p> <ul style="list-style-type: none"> <li>• seeking a hybrid approach to hearings</li> <li>• raising Work Health and Safety issues under the Act</li> <li>• stating that members of the assembly are unaware of or non-compliant with COVID smart arrangements</li> </ul>

<p>12 August 2022</p>	<p>Public Hearing at 10.00am for Community Day followed by Private meeting</p> <p>Letter to Mr Gentleman from the Committee sent at 12.14pm asking him to advise what is an appropriate hybrid model as a matter of urgency.</p> <p>Letter received from Mr Gentleman at 1.33pm (provided to the committee at 2.27pm) suggesting the following approach to hearings:</p> <ul style="list-style-type: none"> <li>• Ministers attend in person – Committee to acknowledge this risk and consult with members on its risk assessment as required under workplace safety duties</li> <li>• All ACT Public Service employees and independent statutory office holders to attend virtually unless they elect to attend in person</li> <li>• Attendees to chose safest method of appearance without requiring them to disclose private health information to committee</li> <li>• Online technology has been used for 12 years and will not impede questioning of attendees</li> <li>• Noted Webex appeared to be working well on Community hearings day.</li> </ul> <p>WorkSafe ACT Inspectors met with the Legislative Assembly (at about 2.00pm – 3.00pm). The Committee were advised that the Prohibition Notice was to be put in place.</p> <p>Acknowledgement letter sent to Minister Gentleman at 2.27pm</p> <p>Prohibition Notice from WorkSafe ACT</p>
<p>15 August 2022</p> <p><i>(See correspondence in Appendix D)</i></p>	<p>Committee met for a private meeting offsite at 8am in order not to breach the Prohibition Order and resolved to further amend schedule due to the Prohibition Notice from the Work Health and Safety Commissioner. This involved moving the hearings scheduled for 15 &amp; 16 August to 29&amp; 30 August respectively.</p> <p>The Chair wrote to the Work Health and Safety seeking information about the identity of the complainant and details of the complaint at 9.34am by 1pm that day.</p> <p>Updated hearing schedule invitation provided to Minister Gentleman at 10.53</p> <p>Committee correspondence provided to speaker at 11.51am as authorised by Committee.</p> <p>Email from Aaron Guilfoyle 3pm requesting extension (agreed by Committee)</p> <p>Updated Prohibition Notice 5.19pm</p>
<p>16 August 2022</p> <p><i>(See correspondence in Appendix D)</i></p>	<p>Committee meeting at 1.30- 3.10pm</p> <ul style="list-style-type: none"> <li>• The Committee agreed on the risk assessment for managing COVID risks</li> </ul>

	<ul style="list-style-type: none"> <li>• Minister Gentleman and Mr Damien West invited to join the Committee at 2pm. (Email attached)</li> <li>• Meeting with Minister Gentleman and Mr Damien West at approximately 2.30pm to discuss consultation arrangements. It was agreed that they would arrange for consultation for a small number of staff who could then attend hearings once the Notice was lifted.</li> <li>• The Committee then resolved to move the hearings scheduled for 17,18 &amp; 19 August to 31 August and 1-2 September in order to meet the requirement to consult on the risk assessment and those meetings would be held in the Chamber</li> </ul> <p>Letter received at 3.15pm from MacDonnells Law (Aaron Guilfoyle) on behalf of WHS Commissioner declining request to provide information on the identity of the complainant and the details of the complaint and asking for the claim to be withdrawn.</p> <p>Minister Gentleman sent a letter at 3.20pm to the Secretariat which was also circulated to some staffers which provided an inaccurate account of what had been agreed, ie. that the hybrid model agreed to was that -only Ministers, Directors-General and Deputy Directors-General, with staff attending by Webex. The letter also offered consult with those attending. The hybrid model was to be implemented once the Prohibition Notice was lifted.</p> <p>Further Committee meeting at 4.15pm to deliberate on letter from Mr Gentleman</p> <p>Media release issued by Committee – after 6pm</p> <p>Letter at 7.28pm to Minister Gentleman to consult on risk assessment.</p>
17 August 2022	<p>The Committee agreed to changes in the draft schedule noting further changes were required for the week starting 29 August.</p> <p>Committee were advised WorkSafe ACT (Aaron Guilfoyle) and further ask that the Committee’s request to identify the complainant and provided details of the compliant be withdrawn. Letter received 10.46am. Deadline of 12noon imposed. The Committee requested an extension till close of business at 11.55am.</p> <p>Private meeting at 2pm</p> <p>Minister Gentleman made misleading statements in the media on COVID safety arrangements in committee rooms (ie. that there were 40 witnesses in the one room). (Appendix C)</p> <p>Letter received from Mr Gentleman at 5.50pm:</p> <ul style="list-style-type: none"> <li>• confirming ministers able to attend hearings from 22 August</li> <li>• Ministers are requesting that officials attend online</li> <li>• Further request to provide indicative times within sessions</li> <li>• Asking the secretariat to be mindful of pre-existing Ministerial commitments and travel</li> </ul>



	Letter at 5.57pm to Commissioner Argus advising that the Committee had referred the matter to the Speaker.
18 August 2022	<p>Letter sent to Speaker on outcomes of consultation on risk assessment at 2.37pm.</p> <p>Response to Mr Gentleman sent at 4.33pm on issues of remote attendance by ACT Public Servants, indicative times within time slots, that the Secretariat had already commenced consulting with Minister's on their availability for the revised hearing schedule.</p>
19 August 2022	<p>Visit by WorkSafe ACT to the building between 10am – 11am (report attached)</p> <p>Email from Mr Gentleman's chief of staff at 1.04pm:</p> <p><i>Given discussions around a hybrid model, would the Committee permit this to be in place for Monday should the WorkSafe prohibition notice be lifted today? i.e. Ministers plus Directors-General attending in person (Deputy Directors-General as required in person), with all other Officials attending online? In relation to this model, the Minister has asked me to convey that the Executive have consulted with Officials about these arrangements, including those that would be required to attend in person. This was done consistent with the undertaking provided in an earlier letter from Minister Gentleman. No concerns have been raised by the Service regarding this hybrid arrangement.</i></p> <p>Prohibition Notice lifted.</p> <p>Courtesy letter sent at 4.45pm to Mr Gentleman advising him of contempt issues raised with the Speaker</p> <p>Letter sent to Mr Gentleman at 5.28pm with updated schedule.</p> <p>Letter sent to Mr Gentleman at 6.28pm regarding hearings model:</p> <ul style="list-style-type: none"> <li>• Ministers to be in person</li> <li>• Supporting officials welcome</li> <li>• Directors-General and Deputy Directors-General to be in person or online with they have COVID or vulnerable to COVID</li> <li>• Lower level staff via Webex or in person if they prefer.</li> </ul>

## ABC RADIO CANBERRA INTERVIEW BY MINISTER GENTLEMAN ON 17 AUGUST 2022

Copy of transcript

**Another key issue which you've been at the centre of really because you initially raised the concerns here, is that ACT estimates have been on ice throughout this week due to a prohibition notice from WorkSafe ACT.**

**Now reportedly you raised the concerns about COVID protocols and safety for people attending the assembly. In your own words, Mick Gentleman what were your concerns and how satisfied are you that WorkSafe basically has put on this prohibition notice?**

Adam Let me make it very clear at the start of this conversation that I did not make a complaint and did not ask WorkSafe to investigate this process. We certainly asked WorkSafe for some views on the proposal from the committee to have hearings in person and the concerns that were raised by our public service to me was that we would see 40 people in one room in a confined space and I was very concerned about those numbers in a confined space, you know, considering that we have the highest COVID numbers at the moment, and indeed we've had a couple of deaths recently from COVID. So I think that government has been showing the way we've been working virtually cabinet meets every week online. We've done it for the last two years. So my views were that we should be meeting online where we can. We've done it in the past for estimates, so I couldn't see any reason why we couldn't do it this time. But I did advise the committee that we could see a hybrid model. For example, we have a minister perhaps and senior officials in the room and the rest of the public servants online step us through

**how you acted then on constituents and other public servants concerns, how you raised them, which then led to what WorkSafe Act did.**

Yes, I wrote to the committee on a number of occasions showing my concerns for the proposal that they had put forward, and it was a direction, not a request that people attend in person. And I put forward my concerns and then I asked or my office asked the WorkSafe regulator for some advice on how we should proceed

**So were some of your colleagues within government critical or at least opposing your position on this?**

No, they're quite supportive. They're very concerned about the safety of workers. And Adam, every worker has the right to come home safe. At the end of the day, no one should be immune. So I think we need to ensure and look what's happened up at the Federal Parliament and the review into the New South Wales Parliament as well. You know, we need to make sure that we're doing the best for our staff and ensuring that they can be safe in their workplace.

**So explain then if you could, the response of ACT legislative Assembly Speaker Joey Birch, who has reportedly threatened to go to the courts about the WorkSafe ACT prohibition notice.**

Well, I think it's a matter you would need to ask the speaker and the clerk. That's their decision. It's certainly concern for me, but I'll be supporting, of course my staff and our public servants in ensuring that we can have safe workplaces in the future.

**She's your Labor colleague. Have you had a word with her and listened to her concerns or had a conversation about it?**

Certainly not, no. Do you intend to? No. I think we need a division here of my position as the Minister for Workplace Safety and her position as the Speaker Certainly those positions have been well ...

<http://playnow.apps.isentia.io/Cvx29Mqf?id=R00094554156&channel=ABC%20Radio%20Canberra&location=Australia&date=2022-08-17T08%3A35%3A53&keywords=Planning&keywords=Development&keywords=Proposal&keywords=Woden&keywords=Buildings&keywords=First&keywords=Plans&keywords=Proposals&keywords=Second>

ALL CORRESPONDENCE BETWEEN THE ESTIMATES COMMITTEE AND EITHER  
MINISTER GENTLEMAN OR THE WHS COMMISSIONER.

*Correspondence with other parties is also available should the Privileges Committee  
believe they may assist with their inquiry.*



# LEGISLATIVE ASSEMBLY

## FOR THE AUSTRALIAN CAPITAL TERRITORY

### SELECT COMMITTEE ON ESTIMATES 2022-2023

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair),  
Dr Marisa Paterson MLA

Mr Mick Gentleman MLA  
Minister for Planning and Land Management  
Minister for Police and Emergency Services  
Minister for Corrections  
Minister for Industrial Relations and Workplace Safety  
Legislative Assembly for the ACT  
London Circuit  
CANBERRA ACT 2601

Dear Minister,

#### Estimates 2022-23 Hearings

I write on behalf of the Select Committee on Estimates 2022-23, (the Committee), regarding your appearance before the Committee in public hearings for its inquiry into the 2022-23 ACT Budget. The terms of reference are attached.

Based information provided by your office in regards to your availability, the times have been scheduled for you to appear before the Committee:

Portfolio	Date	Time
Minister for Industrial Relations and Workplace Safety	Tuesday 16 August 2022	1.00pm – 2.00pm
Minister for Corrections	Thursday 18 August 2022	9.30am – 10.45am
Minister for Policing & Emergency Services	Thursday 18 August 2022	11.00am – 12.45pm
Minister for Planning and Land Management	Thursday 18 August 2022	1.30pm - 3.00pm

The hearings will be conducted in the Prince Edward Island Committee room.

To ensure that there is adequate time for scrutiny of the 2022-23 ACT Budget, the Committee has set aside time on Thursday 25 August and Friday 26 August in case there is insufficient opportunity to address all issues necessary during the times scheduled above.

This letter confirms this timing for you and your officials to appear before the Committee. Please note that the Committee has decided to depart from the practice of opening statements for these hearings. If you wish to make an opening statement, the Committee asks that you lodge it in writing with the Secretariat at least two full business days before the hearing.

Additionally, I would like to inform you that the Committee has decided to depart from the previous practice of basing the hearings schedule on budget outputs due to scheduling problems this has caused in the past. Instead, the Administrative Arrangements have been used as a guide to determine possible areas for inquiry during each session.

If there are any questions your officials can contact Kathleen de Kleuver on (02) 6207 0524 or at [LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au).

Yours sincerely,



James Milligan MLA  
Chair  
28 July 2022

# ATTACHMENT

## Resolution of establishment

At its meeting on Thursday, 24 March 2022, the Assembly passed the following resolution:

“That:

1. a Select Committee on Estimates 2022-2023 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2022 2023, the Appropriation (Office of the Legislative Assembly) Bill 2022 2023 and any revenue estimates proposed by the Government in the 2022 2023 Budget and prepare a report to the Assembly;
2. the Committee be composed of:
  - a. one Member to be nominated by the Labor Party;
  - b. one Member to be nominated by the Liberal Party; and
  - c. one Member to be nominated by the Greens; andto be notified in writing to the Speaker within two hours of this motion passing;
3. the Liberal Party Member shall be elected chair of the Committee by the Committee;
4. the Committee shall be established from 1 July 2022;
5. funds be provided by the Assembly to permit the engagement of external expertise to work with the Committee to facilitate the analysis of the Budget and the preparation of the report of the Committee;
6. the Committee is to report by Friday, 9 September 2022;
7. if the Assembly is not sitting when the Committee has completed its inquiry, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation; and
8. the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.”.





**From:** [GENTLEMAN](#)  
**To:** [LA Committee - Estimates](#)  
**Subject:** FW: Invitation to Estimates 2022-2023  
**Date:** Friday, 29 July 2022 2:24:39 PM  
**Attachments:** [image001.png](#)  
[Signed invitation - Gentleman.pdf](#)  
[Wittness form.docx](#)  
[image002.jpg](#)

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Dear Committee,

Our office apologise for the inconvenience caused, Minister Gentleman has requested that the hearing on the 16<sup>th</sup> of August be pushed forward by 30 minutes from 1pm to 12:30pm. Additionally in the interest of COVID safety our office also request that Minister Gentleman and appropriate officials appear via Webex for the hearings. Grateful if you could facilitate this and forward through the link accordingly.

Please do not hesitate to call should you have any questions or concerns,

Kind regards,

## Office of Mick Gentleman MLA

Member for Brindabella

Minister for Planning and Land Management

Minister for Police and Emergency Services

Minister for Corrections

Minister for Industrial Relations and Workplace Safety

Manager for Government Business

t: 620 50218 | e: [gentleman@act.gov.au](mailto:gentleman@act.gov.au)



**Please note that from 1 January 2018 ACT Government ministerial diaries are subject to publication on the ACT Government's open access website under section 23 of the *Freedom of Information Act 2016*.**

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**From:** GENTLEMAN <[GENTLEMAN@act.gov.au](mailto:GENTLEMAN@act.gov.au)>

**Sent:** Thursday, 28 July 2022 4:23 PM

**To:** LA Committee - Estimates <[LACCommitteeEstimates@parliament.act.gov.au](mailto:LACCommitteeEstimates@parliament.act.gov.au)>

**Cc:** GENTLEMAN <[GENTLEMAN@act.gov.au](mailto:GENTLEMAN@act.gov.au)>

**Subject:** FW: Invitation to Estimates 2022-2023

Dear Committee

Thank you for your invitation to Minister Gentleman. I can confirm that all four of the times work well for the Minister and have been confirmed in his diary.

Kind regards,

## Office of Mick Gentleman MLA

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**publication on the ACT Government's open access website under section 23 of the *Freedom of Information Act 2016*.**

---

**From:** LA Committee - Estimates <[LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au)>

**Sent:** Thursday, 28 July 2022 1:46 PM

**To:** GENTLEMAN <[GENTLEMAN@act.gov.au](mailto:GENTLEMAN@act.gov.au)>; ACDLO <[ACDLO@act.gov.au](mailto:ACDLO@act.gov.au)>; EPSDD DLO <[EPSDDDLO@act.gov.au](mailto:EPSDDDLO@act.gov.au)>; MPESDLO <[MPESDLO@act.gov.au](mailto:MPESDLO@act.gov.au)>; CPLO (AFP) <[cplo@afp.gov.au](mailto:cplo@afp.gov.au)>; CMCD DLO <[CMCDDLO@act.gov.au](mailto:CMCDDLO@act.gov.au)>

**Cc:** LA Committee - Estimates <[LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au)>

**Subject:** Invitation to Estimates 2022-2023

OFFICIAL

Dear Minister,

Please find an invitation from the Select Committee on Estimates 2022-2023 to appear at the public hearings scheduled from 12 August to 26 August 2022.

Details of when you have been asked to appear are in the attached invitation.

Please send back the completed witness forms one week before the relevant hearing.

If there are any questions, please email [LaCommitteeEstimates@parliament.act.gov.au](mailto:LaCommitteeEstimates@parliament.act.gov.au).

Regards,

**Emma Weaver**

Administrative Officer | Office of the Legislative Assembly

T (02) 6205 0136



[www.parliament.act.gov.au](http://www.parliament.act.gov.au)

**From:** [LA Committee - Estimates](#)  
**To:** [Kandola, Shobaz](#); [LA Committee - Estimates](#)  
**Cc:** [GENTLEMAN](#)  
**Subject:** RE: Invitation to Estimates 2022-2023  
**Date:** Tuesday, 2 August 2022 2:11:54 PM  
**Attachments:** [image001.png](#)  
[image002.jpg](#)  
[image003.jpg](#)  
[image004.png](#)

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OFFICIAL

Dear Shobaz,

Thank you for your advice and request.

We will provide your correspondence to the Committee at its next meeting and advise on the result.

**Kathleen de Kleuver**

Committee Secretary

Office of the Legislative Assembly for the ACT

P (02) 620 70524 | E [LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au)



[www.parliament.act.gov.au](http://www.parliament.act.gov.au)

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**From:** Kandola, Shobaz <[Shobaz.Kandola@act.gov.au](mailto:Shobaz.Kandola@act.gov.au)>

**Sent:** Monday, 1 August 2022 12:11 PM

**To:** LA Committee - Estimates <[LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au)>

**Cc:** GENTLEMAN <[GENTLEMAN@act.gov.au](mailto:GENTLEMAN@act.gov.au)>

**Subject:** RE: Invitation to Estimates 2022-2023

Dear Committee

Further to our office's email on Friday, ACT Policing have advised that attendance on the Thursday will be difficult due operational commitments. Would it be possible to have the Minister for Police and Emergency Services portfolio considered on the Tuesday and the Minister for Industrial Relations and Workplace Safety portfolio considered on the Thursday?

Kind regards

**Shobaz Kandola**

Chief of Staff

**Office of Minister Mick Gentleman MLA**

ACT Government



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**From:** GENTLEMAN <[GENTLEMAN@act.gov.au](mailto:GENTLEMAN@act.gov.au)>

**Sent:** Friday, 29 July 2022 2:25 PM

**To:** LA Committee - Estimates <[LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au)>

**Subject:** FW: Invitation to Estimates 2022-2023

Dear Committee,

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Minister for Planning and Land Management

Minister for Police and Emergency Services

Minister for Corrections

Minister for Industrial Relations and Workplace Safety

Manager for Government Business

t: 620 50218 | e: [gentleman@act.gov.au](mailto:gentleman@act.gov.au)



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**Cc:** GENTLEMAN <[GENTLEMAN@act.gov.au](mailto:GENTLEMAN@act.gov.au)>

**Subject:** FW: Invitation to Estimates 2022-2023

Dear Committee

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Member for Brindabella

Minister for Planning and Land Management

Minister for Police and Emergency Services

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Manager for Government Business

t: 620 50218 | e: [gentleman@act.gov.au](mailto:gentleman@act.gov.au)



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**Sent:** Thursday, 28 July 2022 1:46 PM

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**Cc:** LA Committee - Estimates <[LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au)>

**Subject:** Invitation to Estimates 2022-2023

OFFICIAL

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Regards,

**Emma Weaver**

Administrative Officer | Office of the Legislative Assembly

T (02) 6205 0136



[www.parliament.act.gov.au](http://www.parliament.act.gov.au)



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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**SELECT COMMITTEE ON ESTIMATES 2022-2023**

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair), Dr Marisa Paterson MLA

Mr Mick Gentleman MLA  
Manager of Government Business  
Minister for Planning and Land Management  
Minister for Police and Emergency Services  
Minister for Corrections  
Minister for Industrial Relations and Workplace Safety  
Legislative Assembly for the ACT  
196 London Circuit  
CANBERRA ACT 2600

Dear Minister,

**Estimates hearings for 2022**

I refer to requests made by your office in relation to the upcoming Estimates hearings.

The Committee has declined the request to hold hearings remotely. The Committee has taken the view that, under the prevailing circumstances, current COVID arrangements will be sufficient. These include social distancing, cleaning seats and desks between witnesses, and hand sanitiser. Witnesses are also free to wear masks in the precincts.

If a witness has a health condition that would classify them as vulnerable to COVID-19, then the Committee requests that they notify the Secretariat as soon as possible so that they can make appropriate arrangements. This could include attending remotely.

The Committee notes the request to exchange the session for policing from 11 am to 12.45 pm on 18 August 2022 with the session for industrial relations from 1 to 2 pm on 16 August 2022, to accommodate police operational matters. The Committee agrees to this request on the basis that the total time for each portfolio remains the same. We would appreciate your advice on how you may wish to rearrange your sessions across all your portfolios to achieve this result.

The Committee also notes the request to bring forward the session on 16 August 2022 from 1 pm to 12.30 pm. We would appreciate a further explanation for this. Such a change would split the lunch break into two half hour sessions and could place an unnecessary burden on technical staff, in terms of them preparing and wrapping up hearings.

We look forward to discussing your portfolios later in August.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'James Milligan', is written over the typed name.

James Milligan MLA  
Chair  
4 August 2022



**Mick Gentleman MLA**

Manager of Government Business  
Minister for Planning and Land Management  
Minister for Police and Emergency Services  
Minister for Corrections  
Minister for Industrial Relations and Workplace Safety

Member for Brindabella

---

**James Milligan MLA**

Chair  
Select Committee on Estimates 2022-23  
ACT Legislative Assembly  
CANBERRA ACT 2601  
By email: [LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au)

Dear Chair 

Thank you for your letters of 28 July and 4 August regarding the 2022-23 Budget Estimates Hearings. I am responding on behalf of the Government in my capacity as the Manager of Government Business.

I note in your correspondence that these hearings are to be conducted face to face in the Prince Edward Island Committee room at the Legislative Assembly.

I further note that the Committee has decided to depart from the previous practice of basing the hearings schedule on budget outputs.

Departing from the practice of using outputs means that all officials will be required to be in attendance for the entirety of each hearing, in some cases, from multiple Directorates.

As you are aware, the COVID-19 pandemic is still having a significant impact on our community with high case numbers in Canberra and many disruptions to workplaces as a result of COVID-related leave. This is also true for the ACT Public Service. In addition, the Chief Health Officer (CHO) has advised that the current epidemiological situation remaining uncertain. As a result, the CHO today extended the Public Health Emergency Declaration until 11.59pm on 30 September 2022.

---

ACT Legislative Assembly London Circuit, GPO Box 1020, Canberra ACT 2601

 +61 2 6205 0051  [gentleman@act.gov.au](mailto:gentleman@act.gov.au)

 @GENTLEMANMick  MickGentleman  mick.gentleman



Your correspondence of 4 August 2022 lists the COVID-19 mechanisms that will be in place including social distancing, cleaning seats and desks and hand sanitiser; however, I would like further advice from the Committee on how social distancing will be managed, noting that potentially large numbers of people will be required to congregate at the Legislative Assembly and that the Committee room may not be able to accommodate the number of witnesses, leading to officials waiting in a less than ideal environment. The hearing process may be further hampered by the need to clean seats and desks as different witnesses are called to answer questions throughout any given hearing leading to a loss in the time available for questions to be asked and answered.

Whilst I believe that under the current environment the best approach would be to hold the hearings virtually, it is my understanding that the Committee rooms are currently being fit-out with Cisco WebEx boards. Given that this technology will be available, might I suggest a hybrid arrangement is put in place so that witnesses and officials have the choice to either attend in person or virtually depending on their personal preferences (to keep themselves and their families safe), and in line with the current arrangements for the ACT Public Service.

A hybrid arrangement will allow those that cannot attend hearings in person for reasons such as, isolating because of household contacts or being immuno-compromised, to still participate. It will also assist with limiting the number of people at the Legislative Assembly therefore reducing the risk of COVID-19 transmission. Adoption of such arrangements will also assist the Government, the Public Service and the Assembly discharge obligations under the *Work Health and Safety Act 2011* to provide a safe workplace and take steps to mitigate risks for employees and those that they interact with.

In addition, to assist the Committee's scrutiny of the budget, enclosed is a copy of the budget outputs mapped against ministerial responsibility. This is similar to documents provided to assist previous committees in their consideration of the Appropriation bills. I also encourage the Committee revert to past practice and consider matters via the budget outputs. This will assist in orderly consideration of matters rather than possibly seeing questions jumping around outputs and/or different Directorates. To assist the Committee, Officials from Chief Minister, Treasury and Economic Development Directorate (CMTEDD) are available to advise which output best fits question topics of interest to the Committee.

As always, both my Office and Officials from the Chief Minister, Treasury and Economic Development Directorate are available to assist the Committee.

Thank you for your consideration of this matter. I look forward to hearing from you.

Yours sincerely



Mick Gentleman MLA  
Manager of Government Business

3/8/2022

Cc: Speaker ([burch@parliament.act.gov.au](mailto:burch@parliament.act.gov.au))

**Encl** – Budget outputs allocation to Ministers

**BUDGET ESTIMATES HEARINGS  
AUGUST 2022**

<b>Minister</b>	<b>Administrative Unit</b>	<b>Matters</b>	<b>Outputs Budget 2022-2023</b>
<b>Chief Minister</b> <b>(BARR)</b>	Chief Minister, Treasury and Economic Development Directorate	ACT Public Service Chief Minister’s Charitable Fund and philanthropy encouragement Commissioner for International Engagement (including sister city agreements, local diplomatic and consular liaison, inbound and outbound trade mission delivery, trade and export growth) Communication and community engagement Diversity and equal opportunity Enterprise Bargaining Government strategy and policy Integrity policy Intergovernmental relations and engagement with capital cities and the Canberra Region LGBTIQ+ affairs, policy and services National Cabinet and the National Federation Reform Council National Security Social inclusion and equality policy Support to Cabinet Wellbeing framework ACT Infrastructure Plan Update	Output Class 1: Government Strategy - Output 1.1 Government Policy and Reform - Output 1.2 Workforce Capability and Governance (including ACT Public Sector Standards Commissioner) - Output 1.3 Coordinated Communications and Community Engagement Output Class 1.5: International Engagement ACT Executive  Coordinator-General, Whole-of-Government (Non-Health) COVID-19 Response
	Environment, Planning and Sustainable Development Directorate	City Renewal Authority Suburban Land Agency (as it relates to declared urban renewal sites)	Statement of Intent Statement of Intent

**BUDGET ESTIMATES HEARINGS  
AUGUST 2022**

<b>Minister</b>	<b>Administrative Unit</b>	<b>Matters</b>	<b>Outputs Budget 2022-2023</b>
<b>Treasurer</b> (BARR)	Chief Minister, Treasury and Economic Development Directorate	Borrowing, funds management and infrastructure finance Budget process and financial reporting Concessions Directions relating to authorisation thresholds for land acquisition by the City Renewal Authority or Suburban Land Agency Fiscal and economic strategy and policy Government business enterprises Infrastructure policy frameworks and coordination of infrastructure planning Jobs for Canberrans Revenue Office, including administration of rental bonds Taxation and revenue policy	Output Class 4: Financial and Economic Management - Output 4.1 Economic Management - Output 4.2 Financial Management Output Class 5 (Output 5.1): Revenue Management Output Class 7: Infrastructure Finance and Procurement - 7.1: Infrastructure Finance Independent Competition and Regulatory Commission (Statement of Intent) Superannuation Provision Account (SPA) - Output EBT 1 Superannuation Provision Account Territory Banking Account (TBA) - Output EBT 1 Territory Banking Account Icon Water Limited
	Major Projects Canberra	Chief engineer Delivery of physical capital works projects in coordination with government agencies Direct delivery of designated major capital works projects	Output 1 Major Projects Canberra
<b>Minister for Climate Action</b> (BARR)	Chief Minister, Treasury and Economic Development Directorate	Big Canberra Battery Climate change adaptation and resilience Sustainable household package Office of the Coordinator-General – Climate Action	Output Class 1: Government Strategy - Output 1.1 Government Policy and Reform

**BUDGET ESTIMATES HEARINGS  
AUGUST 2022**

Minister	Administrative Unit	Matters	Outputs Budget 2022-2023
<b>Minister for Economic Development</b> (BARR)	Chief Minister, Treasury and Economic Development Directorate	Brand Canberra Canberra Economic Recovery Advisory Group Elite sporting performance and venue agreements Event attraction Future Jobs Fund (and Priority Investment Fund) Implementation and delivery of economic objectives and economic recovery Innovation policy and CBR Innovation Network International education (including Study Canberra) Investment facilitation and attraction Special Events Fund Strategic infrastructure projects (including Academy of Interactive Entertainment, UNSW, and Venues Canberra infrastructure upgrades) University and research policy	Output Class 3: Economic Development - Output 3.1: Economic Development <ul style="list-style-type: none"> <li>○ Business and Innovation</li> <li>○ Tourism and Events - including Event attraction and Special Events Fund</li> <li>○ Sport and Recreation - Elite sporting performance and venue agreements only</li> <li>○ Venues - Venues Canberra infrastructure upgrades only</li> </ul>
<b>Minister for Tourism</b> (BARR)	Chief Minister, Treasury and Economic Development Directorate	Aviation industry development Major events (Floriade, Enlighten, Innovation Festival) Tourism policy Visit Canberra	Output Class 3: Economic Development - Output 3.1: Economic Development <ul style="list-style-type: none"> <li>○ Tourism and Events</li> </ul>

**BUDGET ESTIMATES HEARINGS  
AUGUST 2022**

<b>Minister</b>	<b>Administrative Unit</b>	<b>Matters</b>	<b>Outputs Budget 2022-2023</b>
<b>Minister for Early Childhood Development</b> <b>(BERRY)</b>	Education Directorate	Early childhood development and education (including early childhood education and care regulated services; preschool programs; and Koori preschool programs)	Output 1
	Community Services Directorate	Child and Family Centres Child development service Childhood early intervention and development policy Childhood early intervention and development services	CSD 2.1 Child and Family Centres CSD 2.2 Child Development Services
<b>Minister for Education and Youth Affairs</b> <b>(BERRY)</b>	Education Directorate	Board of Senior Secondary Studies Government and non-government schools Home education Schools education Teacher Quality Institute	Output 1, Output 2 Output 2 Output 1
	Community Services Directorate	Youth Advisory Council Youth affairs policy Youth InterACT engagement, scholarships, and grants	CSD 1.1 Inclusion and Participation

**BUDGET ESTIMATES HEARINGS  
AUGUST 2022**

Minister	Administrative Unit	Matters	Outputs Budget 2022-2023
<b>Minister for Housing and Suburban Development</b>  <b>(BERRY)</b>	Community Services Directorate	Homelessness policy Housing assistance policy Housing sector regulation Public housing asset management Public housing growth and renewal program Social and affordable housing delivery	HACT 1.1 Social Housing Services CSD1.4 Quality Complaints and Regulation
	Environment, Planning and Sustainable Development Directorate	Housing strategy and policy Suburban land development Suburban Land Agency (with the exception of those matters assigned to the Chief Minister)	Output 6.3 Housing Strategy and Unit Title Reform <b>Statement of Intent - No output class for SLA</b>
<b>Minister for Women</b>  <b>(BERRY)</b>	Community Services Directorate	Women’s affairs policy and services	CSD 1.1 Inclusion and Participation
<b>Minister for the Prevention of Domestic and Family Violence</b>  <b>(BERRY)</b>	Community Services Directorate	Family Safety (Coordinator-General) Domestic Violence Agencies	CSD 1.5 Safer Families
<b>Minister for Sport and Recreation</b>  <b>(BERRY)</b>	Chief Minister, Treasury and Economic Development Directorate	Aquatic facilities management	Output Class 8: Property Services - Output 8.1: Property Services (Aquatic facilities management)
	Chief Minister, Treasury and Economic Development Directorate	Community sports infrastructure Sport and recreation	Output Class 3: Economic Development - Output 3.1: Economic Development <ul style="list-style-type: none"> <li>o Sport and Recreation - Community sports infrastructure and sport and recreation</li> </ul>

**BUDGET ESTIMATES HEARINGS  
AUGUST 2022**

Minister	Administrative Unit	Matters	Outputs Budget 2022-2023
	Transport Canberra and City Services Directorate	Sports ground management	Output 2.4: City Maintenance and Services
<b>Minister for Planning and Land Management</b>  <b>(GENTLEMAN)</b>	Environment, Planning and Sustainable Development Directorate	Government architect  Land release policy (including the land release program)  Parks and Conservation  Planning and development Planning and development enforcement policy Planning, development, land and lease regulation*  Site identification and facilitation for major land and property projects  Strategic land use  Survey and leasing	Output Class 6.1 Planning Policy  Output Class 6.1 Planning Policy  Output Class 2.2 Parks and Conservation  Output Class 1.1 Statutory Planning and 6.1 Planning Policy  Output Class 6.1 Planning Policy and Output Class 4 Development and Implementation  Output 4.1 Development and Implementation and Output 6.1 Planning Policy  Output Class 1.1 Statutory Planning
	Chief Minister, Treasury and Economic Development Directorate	Access Canberra (only in relation to planning, development, land and lease regulation)	Output Class 2 (Output 2.1): Access Canberra (in relation to planning, development, land and lease regulation only)

**BUDGET ESTIMATES HEARINGS  
AUGUST 2022**

<b>Minister</b>	<b>Administrative Unit</b>	<b>Matters</b>	<b>Outputs Budget 2022-2023</b>
<b>Minister for Police and Emergency Services</b> <b>(GENTLEMAN)</b>	Justice and Community Safety Directorate	Bushfire and other natural disaster resilience and response Emergency management and the Emergency Services Agency (ACT Fire and Rescue, ACT Ambulance Service, State Emergency Service, Rural Fire Service) Policing policy and ACT Policing	Output 4.1 Emergency Services  EBT 1: ACT Policing
<b>Minister for Corrections</b> <b>(GENTLEMAN)</b>	Justice and Community Safety Directorate	Corrective services	Output 2.1 Corrective Services
<b>Minister for Industrial Relations and Workplace Safety</b> <b>(GENTLEMAN)</b>	Chief Minister, Treasury and Economic Development Directorate	ACT Public Sector workers compensation (including self-assurance) Private sector industrial relations and workers compensation Secure local jobs code Work health and safety policy Work health and safety regulation (including the Office of the Work Health and Safety Commissioner)	Output Class 5 (Output 5.1): Workforce Injury Management and Industrial Relations Policy EBT Class 1 (EBT1.1) Public Sector Workers Compensation Fund Office of the Work Health and Safety Commissioner (WorkSafe ACT) ACT Long Service Leave Authority (Statement of Intent)



**BUDGET ESTIMATES HEARINGS  
AUGUST 2022**

<b>Minister</b>	<b>Administrative Unit</b>	<b>Matters</b>	<b>Outputs Budget 2022-2023</b>
<b>Attorney-General (RATTENBURY)</b>	Justice and Community Safety Directorate	Administration of justice (Output 1.1, 1.2, 1.4, 3.1) Civil and criminal law (Output 1.1, 1.2, 1.4, 3.1) Justice reinvestment (Output 1.1, 3.1) Policy relating to incorporation of associations (Output 1.1) Policy relating to liquor (Output 1.1) Policy relating to sex work (Output 1.1) Policy relating to security (Output 1.1) Policy relating to the registration of deeds and charitable collections (Output 1.1) Policy relating to the registration of land titles and tenancies (Output 1.1) Reducing recidivism (Output 1.1, 1.4, 3.1) Restorative justice (Output 1.1, 3.1)	Output 1.1 Policy Advice and Justice Programs Output 1.2 Legal Services to Government Output 1.3 Legislative Drafting and Publishing Services Output 1.4 Public Prosecutions Output 3.1 Courts and Tribunal
		Director of Public Prosecutions  Legal Aid ACT  Public Trustee and Guardian  Solicitor General for the ACT  Sentence Administration Board	

**BUDGET ESTIMATES HEARINGS  
AUGUST 2022**

Minister	Administrative Unit	Matters	Outputs Budget 2022-2023
<b>Minister for Consumer Affairs</b> <b>(RATTENBURY)</b>	Justice and Community Safety Directorate	Fair trading policy relating to Australian consumer law, fuel prices and licensing motor vehicle repairers  Policy relating to retirement villages, egg labelling, sale of goods and uncollected goods  Policy relating to the licensing of agents, hawkers, pawnbrokers, motor vehicle dealers, second-hand dealers and x-films	Output 1.1 Policy Advice and Justice Programs
<b>Minister for Water, Energy and Emissions Reduction</b> <b>(RATTENBURY)</b>	Environment, Planning and Sustainable Development Directorate	Climate change policy  Energy policy and energy efficiency programs (including zero emissions vehicle policy)  Sustainability of government services and assets  Water efficiency programs  Water policy	Output Class 3.1 Climate change and Energy  Output Class 3.1 Climate change and Energy Output Class 3.1 Climate change and Energy  Output Class 2.4 Water Output Class 2.4 Water
<b>Minister for Gaming</b> <b>(RATTENBURY)</b>	Justice and Community Safety Directorate	Gaming policy	Output 1.1 Policy Advice and Justice Programs
	Environment Planning and Sustainable Development Directorate	Club buildings energy efficiency fund	Output Class 3.1 Climate change and Sustainability

**BUDGET ESTIMATES HEARINGS  
AUGUST 2022**

<b>Minister</b>	<b>Administrative Unit</b>	<b>Matters</b>	<b>Outputs Budget 2022-2023</b>
<b>Minister for Health</b> <b>(STEPHEN-SMITH)</b>	ACT Health Directorate	Acute health policy Aged care and rehabilitation policy Cancer policy Child health development Commissioning health services Digital health Medical and health research policy and programs	Output 1.1: Improved Hospital Services
		Drug and alcohol policy Health protection Population health Regulation of health services	Output 1.2: Healthy Communities
		Community health policy and programs (excluding justice health) Health system policy, planning and performance monitoring	Output 1.4: Continuous Improvement of the ACT Public Health System
		Local hospital network arrangements	Output 1.1: ACT Local Hospital Network

**BUDGET ESTIMATES HEARINGS  
AUGUST 2022**

<b>Minister</b>	<b>Administrative Unit</b>	<b>Matters</b>	<b>Outputs Budget 2022-2023</b>
	Canberra Health Services	Health services and facilities operated by the ACT Government	Output 1.1 Acute Services  Output 1.2 Mental Health, Justice Health, Alcohol and Drug Services  Output 1.3 Cancer Services  Output 1.4 Subacute and Community Services
	Major Projects Canberra	Delivery of the Canberra Hospital Expansion	Output 1.1 Major Projects Canberra
<b>Minister for Families and Community Services</b> <b>(STEPHEN-SMITH)</b>	Community Services Directorate	Children and young people protection policy and services Children, youth and family policy and support services Community sector policy and services Community sector reform Safe and Connected Youth	CSD 1.1 Inclusion and Participation CSD 1.3 Strategic Policy CSD 1.4 Quality, Complaints and Regulation CSD 2.3 Child and Youth Protection Services
<b>Minister for Aboriginal and Torres Strait Islander Affairs</b> <b>(STEPHEN-SMITH)</b>	Community Services Directorate	Aboriginal and Torres Strait Islander affairs policy and services Aboriginal and Torres Strait Islander Elected Body secretariat	CSD 1.3 Strategic Policy

**BUDGET ESTIMATES HEARINGS  
AUGUST 2022**

<p><b>Minister for Transport and City Services</b> <b>(STEEL)</b></p>	<p>Transport Canberra and City Services Directorate</p>	<p>Active travel (including road crossing supervision)</p>	<p>Output 1.1: Transport Canberra</p>
			<p>Output 1.1: Transport Canberra</p>
		<p>Autonomous vehicle policy</p>	<p>Output 1.1: Transport Canberra</p>
		<p>Community transport</p>	<p>Output 2.1: Roads and Infrastructure</p>
		<p>Footpaths</p>	<p>Output 2.4: City Maintenance and Services</p>
			<p>Output 2.2 Library Services</p>
		<p>Mowing and verge maintenance</p>	<p>Output 2.5 Capital Linen Services</p>
			<p>Output 2.4: City Maintenance and Services</p>
		<p>Municipal services</p>	<p>Output 2.4: City Maintenance and Services</p>
			<p>Output 2.4: City Maintenance and Services</p>
		<p>Neighbourhood democracy projects</p>	<p>Output 1.1: Transport Canberra</p>
		<p>Parking policy</p>	<p>Output 2.4: City Maintenance and Services</p>
	<p>Output 2.3: Waste and Recycling</p>		
	<p>Output 2.1: Roads and Infrastructure</p>		
<p>Policy relating to transport regulation and safety</p>	<p>Output 2.1: Roads and Infrastructure</p>		
	<p>Output 1.1: Transport Canberra</p>		
<p>Public space amenity</p>	<p>Output 1.1: Transport Canberra</p>		
<p>Recycling and waste policy (including clinical waste policy)</p>			

**BUDGET ESTIMATES HEARINGS  
AUGUST 2022**

Minister	Administrative Unit	Matters	Outputs Budget 2022-2023
		Roads and bridges  Stormwater Transport Canberra Transport planning and reform  ACT Veterinary Practitioners Board Animal Welfare Authority Cemeteries and Crematoria Authority	
	Major Projects Canberra	Delivery of the City to Woden light rail project and finalisation of the Gungahlin to the City light rail project	Output 1.1 Major Projects Canberra
<b>Minister for Skills</b> <b>(STEEL)</b>	Chief Minister, Treasury and Economic Development Directorate	Canberra Institute of Technology Skilled migration State Training Authority Vocational education and training	Output Class 3: Economic Development - Output 3.1: Economic Development <ul style="list-style-type: none"> <li>o Skills</li> </ul> ACT Building Construction Industry Training Fund Authority Canberra Institute of Technology - Output 1.1: Provision of Vocational Education and Training Services
	Major Projects Canberra	Delivery of the Canberra Institute of Technology campus redevelopment	Output 1.1 Major Projects Canberra

**BUDGET ESTIMATES HEARINGS  
AUGUST 2022**

<b>Minister</b>	<b>Administrative Unit</b>	<b>Matters</b>	<b>Outputs Budget 2022-2023</b>
<b>Special Minister of State</b>  <b>(STEEL)</b>	Chief Minister, Treasury and Economic Development Directorate	Access to government information ACT Insurance Authority Audit policy Chief Digital Officer, Digital and Data Strategy, including Cyber security Community facilities charging policy Community facilities property services Government accommodation and property services (including facility management and operations for Venues Canberra) Insurance policy (including Motor Accident Injury Insurance and lifetime care and support scheme) Procurement Shared services, including transactional services and ICT services	Output Class 1: Government Strategy - Output 1.1 (Director of Territory Records) - Output 1.4: Digital Strategy Output Class 6 Shared Services - Output 6.1: Human Resources, Finance and Records Services - Output 6.2 Digital, Data and Technology Solutions Output Class 7: Infrastructure Finance and Procurement - Output 7.2 Procurement Output Class 8: Property Services - Output 8.1: Property Services (excluding Aquatic facilities management) Output Class 3: Economic Development - Output 3.1: Economic Development o Venues (facility management and operations) ACT Insurance Authority EBT Class 1 Lifetime Care and Support Fund Motor Accident Injuries Commission
	Justice and Community Safety Directorate	Electoral policy Racing policy	Output 1.1 Policy Advice and Justice Programs

**BUDGET ESTIMATES HEARINGS  
AUGUST 2022**

Minister	Administrative Unit	Matters	Outputs Budget 2022-2023
<b>Assistant Minister for Economic Development</b> <b>(CHEYNE)</b>	Chief Minister, Treasury and Economic Development Directorate	ACT events fund Advanced technologies Community events Creative industries Key industry capability area sector development Manufacturing Science Screen Canberra	Output Class 3: Economic Development - Output 3.1: Economic Development <ul style="list-style-type: none"> <li>○ Business and Innovation (functions relating to advanced technologies, creative industries, key industry capability area sector development, science, manufacturing, science and Screen Canberra)</li> <li>○ Tourism and Events (ACT events fund and community events)</li> </ul>
<b>Minister for the Arts</b> <b>(CHEYNE)</b>	Chief Minister, Treasury and Economic Development Directorate	Art and cultural policy and services Community arts facilities Cultural Facilities Corporation	Output Class 3: Economic Development - Output 3.1: Economic Development <ul style="list-style-type: none"> <li>○ Arts</li> </ul> Cultural Facilities Corporation
	Major Projects Canberra	Delivery of the Canberra Theatre Centre redevelopment project	Output 1.1 Major Projects Canberra



**BUDGET ESTIMATES HEARINGS  
AUGUST 2022**

Minister	Administrative Unit	Matters	Outputs Budget 2022-2023
<b>Minister for Business and Better Regulation</b>  <b>(CHEYNE)</b>	Chief Minister, Treasury and Economic Development Directorate	Aboriginal and Torres Strait Islander business development Business advocacy and liaison Business development Choose CBR Small business Access Canberra (exception in relation to planning development, land and lease regulation) Better Regulation Taskforce Construction, building and utilities regulation * Controlled Sports registration, inspection, notifications and regulatory services* Environmental protection, water regulation, and clinical waste controller* Electricity and natural gas, water and sewerage industry technical regulation* Fair trading and registration, inspection and regulatory services (including transport regulation and licensing)* Food safety licensing and regulation* Improving ease of doing business with government Occupational licensing* Public unleased land regulation (permits)* Racing and gaming regulation* Registration of civil unions, domestic relationships and parentage*	Output Class 1: Government Strategy - Output 1.1 Government Policy and Reform Output Class 2 (Output 2.1): Access Canberra (except in relation to planning development, land and lease regulation) Output Class 3: Economic Development - Output 3.1: Economic Development o Business and Innovation (business advocacy and development, small business functions) <u>ACT Gambling and Racing Commission</u> Output Class 1: Gambling Regulation and Harm Minimisation Output Class 2: Access Canberra - Output 2.1 Access Canberra (Gaming)

**BUDGET ESTIMATES HEARINGS  
AUGUST 2022**

<b>Minister</b>	<b>Administrative Unit</b>	<b>Matters</b>	<b>Outputs Budget 2022-2023</b>
<b>Minister for Human Rights</b> <b>(CHEYNE)</b>	Justice and Community Safety Directorate	ACT Human Rights Commission – (Output 1.5) Human rights and anti-discrimination policy - (Output 1.1) Policy relating to births, deaths, parentage, marriages, civil unions, domestic relationships, voluntary assisted dying/end of life (Output 1.1) Victims of Crime Commissioner (Output 1.5)	Output 1.1 Policy advice and justice programs Output 1.5 Protection of rights
		Human Rights Commission includes: <ul style="list-style-type: none"> <li>• President and Human Rights Commissioner</li> <li>• President &amp; Human Rights Commissioner.</li> <li>• Discrimination, Health Services, Disability &amp; Community Services Commissioner.</li> <li>• Public Advocate &amp; Children and Young People Commissioner.</li> <li>• Victims of Crime Commissioner</li> </ul>	
<b>Minister for Multicultural Affairs</b> <b>(CHEYNE)</b>	Community Services Directorate	Multicultural affairs policy and services	CSD 1.1 Inclusion and Participation

**BUDGET ESTIMATES HEARINGS  
AUGUST 2022**

<b>Minister</b>	<b>Administrative Unit</b>	<b>Matters</b>	<b>Outputs Budget 2022-2023</b>
<b>Minister for the Environment</b> <b>(VASSAROTTI)</b>	Environment, Planning and Sustainable Development Directorate	Agriculture Biodiversity policy Conservation and promotion of native flora and fauna Environment protection policy Native animal welfare Pest, weed and feral animal management Support to the Conservator of Flora and Fauna Urban agriculture policy	Output Class 2.1 Environment
		Commissioner for Sustainability and the Environment	Output EBT 1: Office of the Commissioner for Sustainability and the Environment
<b>Minister for Heritage</b> <b>(VASSAROTTI)</b>	Environment, Planning and Sustainable Development Directorate	Heritage	Output Class 2.3 Heritage
<b>Minister for Homelessness and Housing Services</b> <b>(VASSAROTTI)</b>	Community Services Directorate	Homelessness services Housing services	HACT 1.1 Social Housing Services

**BUDGET ESTIMATES HEARINGS  
AUGUST 2022**

<b>Minister</b>	<b>Administrative Unit</b>	<b>Matters</b>	<b>Outputs Budget 2022-2023</b>
<b>Minister for Sustainable Building and Construction</b> <b>(VASSAROTTI)</b>	Environment, Planning and Sustainable Development Directorate	Asbestos Response Taskforce  Building and construction industry liaison  Building code of Australia ACT appendix  Building policy  Building quality  Living infrastructure projects  Universal design standards  Cladding Rectification Program	Output Class 5.1 Loose Fill Asbestos  Output Class 6.2 Building Reform  Output Class 6.2 Building Reform  Output Class 6.2 Building Reform  Output Class 2.1 Environment and Output Class 6.2 Building Reform  Output 1.1 Major Projects Canberra Canberra Building Quality (MPC)

**BUDGET ESTIMATES HEARINGS  
AUGUST 2022**

<b>Minister</b>	<b>Administrative Unit</b>	<b>Matters</b>	<b>Outputs Budget 2022-2023</b>
<b>Assistant Minister for Families and Community Services</b> <b>(DAVIDSON)</b>	Community Services Directorate	Carers Strategy and policy Community recovery and emergency relief Volunteering statement and policy Youth justice policy and services (including Bimberi)	CSD 1.1 Inclusion and Participation <i>(Only in relation to community recovery and emergency relief, and Volunteering statement and policy) (HCW)</i> CSD 2.3 Child and Youth Protection Services <i>(Only in relation to Bimberi) (HCW)</i>
<b>Minister for Veterans and Seniors</b> <b>(DAVIDSON)</b>	Community Services Directorate	Seniors and ageing policy Veterans	CSD 1.1 Inclusion and Participation <i>(seniors and ageing policy; veterans) (ECI)</i>
<b>Minister for Disability</b> <b>(DAVIDSON)</b>	Community Services Directorate	Disability inclusion and participation Disability policy Disability reform and services Senior Practitioner for the reduction and elimination of restrictive practices	CSD 1.2 Office for Disability CSD 1.4 Quality, Complaints and Regulation
<b>Minister for Justice Health</b> <b>(DAVIDSON)</b>	Canberra Health Services	Justice Health	Output 1.2 Mental Health, Justice Health, Alcohol and Drug Services
<b>Minister for Mental Health</b> <b>(DAVIDSON)</b>	ACT Health Directorate	Mental health (Coordinator-General) Mental health policy	Output 1.3: Mentally Healthy Communities
	Canberra Health Services	Mental health services, facilities and programs operated by the ACT	Output 1.2 Mental Health, Justice Health, Alcohol and Drug Services

**BUDGET ESTIMATES HEARINGS  
AUGUST 2022**

<b>Minister</b>	<b>Administrative Unit</b>	<b>Matters</b>	<b>Outputs Budget 2022-2023</b>
<b>n/a</b>		Integrity Commissioner Electoral Commissioner Inspector of Correctional Services	
<b>n/a</b>		Auditor General Ombudsman Office of the Legislative Assembly (Speaker)	

**From:** [GENTLEMAN](#)  
**To:** [LA Committee - Estimates](#)  
**Subject:** FW: Correspondence from Minister Gentleman  
**Date:** Thursday, 11 August 2022 12:20:29 PM  
**Attachments:** [Corro from MGB to Milligan - Estimates Hearings 2022.pdf](#)  
[Attachment - Budget Estimates - Output Allocations.pdf](#)  
[image001.png](#)  
[image002.jpg](#)  
**Importance:** High

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Good afternoon

I am following up on behalf of the Minister as we have not received a response to his letter sent on Monday. Given the urgency of this matter (hearings commence on Monday), when can we expect a response from the Chair confirming the hearing arrangements?

Regards

Ellen

[Ellen Pinkas](#)

Senior Adviser – Planning and Land Management

Office of Minister Mick Gentleman MLA

[ellen.pinkas@act.gov.au](mailto:ellen.pinkas@act.gov.au) | W: 02 6207 0752

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**From:** GENTLEMAN

**Sent:** Monday, 8 August 2022 3:16 PM

**To:** LA Committee - Estimates <[LACCommitteeEstimates@parliament.act.gov.au](mailto:LACCommitteeEstimates@parliament.act.gov.au)>

**Cc:** BURCH <[BURCH@parliament.act.gov.au](mailto:BURCH@parliament.act.gov.au)>

**Subject:** Correspondence from Minister Gentleman

Dear Committee

Please find attached correspondence from Minister Gentleman.

Kind regards

Office of Mick Gentleman MLA

Minister for Planning and Land Management

Minister for Police and Emergency Services

Minister for Corrections

Minister for Industrial Relations and Workplace Safety

Manager of Government Business

Member for Brindabella

**P:** +61 6 620 50218 | Legislative Assembly Building, London Circuit, Canberra, ACT 2601 | GPO Box 1020, Canberra, ACT 2601





# LEGISLATIVE ASSEMBLY

## FOR THE AUSTRALIAN CAPITAL TERRITORY

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### SELECT COMMITTEE ON ESTIMATES 2022-2023

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair), Dr Marisa Paterson MLA

Mr Mick Gentleman MLA  
Manager of Government Business  
Legislative Assembly for the ACT  
GPO Box 1020  
CANBERRA ACT 2601

Dear Minister,

#### **2022-23 Budget Estimates Hearings**

Thank you for your letter of 8 August 2022 regarding arrangements for Estimates hearings.

The Committee have decided not to use budget outputs as a basis for the hearings schedule this year based on difficulties it has presented in the past. This includes the statement not being available in sufficient time for the hearings schedule to be developed. Use of budget outputs has also meant that the schedule becomes very detailed which resulted in complaints raised during the last hearings in relation to confusion about responsibilities/topics relating to particular outputs. This made it difficult for members to know what sessions to ask questions. This also meant that questions were not being able to be addressed at the time because the relevant officials were not present.

There is also the question on the appropriateness of requiring a Government document in order to effectively scrutinise the Government.

The Committee expects relevant officials to be in attendance at all times during a session in line with the administrative arrangements to avoid these problems occurring and to ensure that appropriate scrutiny is applied to the Estimates process in line with community expectations.

The Committee views COVID safety practices as a high priority and has asked the Secretariat to ensure appropriate measures have been put in place. This includes availability of hand sanitiser, disinfectant wipes and face masks, social distancing and a cleaner in the room to insure efficiency in cleaning between sessions/witnesses.

A number of rooms/spaces have been made available to facilitate social distancing with maximum numbers clearly labelled:

- In the Prince Edward Island room, up to five witnesses can be seated at the table, with 13 seats in the gallery.
- There are 18 seats in the Kiribati room and a TV for viewing proceedings: and
- There are three seats and standing room in the waiting area with a TV for viewing proceedings.

While Webex Boards were installed last week, staff are still testing and being trained in their use and this presents risks of disruption to proceedings. Overall, the Committee has decided that the hearings will be face to face where possible to provide effective scrutiny of the budget. The boards will be used as an exception



where required, such as for witnesses isolating due to COVID-19 or vulnerable to COVID-19. Priority is to be placed on Ministers and most senior officials to be in the Prince Edward Island room.

Thank you for raising these issues with the Committee and for your assistance.

Yours sincerely



James Milligan MLA

Chair

11 August 2022



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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**SELECT COMMITTEE ON ESTIMATES 2022-2023**

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair),  
Dr Marisa Paterson MLA

Mr Mick Gentleman MLA  
Minister for Planning and Land Management  
Minister for Police and Emergency Services  
Minister for Corrections  
Minister for Industrial Relations and Workplace Safety  
Legislative Assembly for the ACT  
London Circuit  
CANBERRA ACT 2601

Dear Minister,

**Estimates 2022-23 Hearings – amended schedule**

I refer to my letter of 28 July 2022 with details of your appearance before the Select Committee on Estimates 2022-23. Following discussions with your office, the committee has agreed that your appearance before the Committee is now as follows:

Portfolio	Date	Time
Minister for Policy and Emergency Services (Policing)	Tuesday 16 August 2022	1.00pm – 2.00pm
Minister for Corrections	Thursday 18 August 2022	9.30am – 10.45am
Minister for Policing & Emergency Services (Emergency Services)	Thursday 18 August 2022	11.00am – 11.50am
Minister for Industrial Relations and Workplace Safety	Thursday 18 August 2022	11.50am – 12.40pm
Minister for Planning and Land Management	Thursday 18 August 2022	1.30pm - 3.00pm

If there are any questions your officials can contact Kathleen de Kleuver on (02) 6207 0524 or at [LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au).

Yours sincerely,

  
James Milligan MLA  
Chair  
11 August 2022

**From:** [GENTLEMAN](#)  
**To:** [LA Committee - Estimates](#)  
**Cc:** [BURCH](#)  
**Subject:** RE: Correspondence from Minister Gentleman  
**Date:** Thursday, 11 August 2022 2:40:17 PM  
**Attachments:** [Correspondence from Minister Gentleman MLA - Select Committee on Estimates 2022-23.pdf](#)  
[image001.jpg](#)  
[image004.png](#)  
[image005.jpg](#)  
[image003.jpg](#)  
**Importance:** High

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Good afternoon

Please find attached further correspondence from Minister Gentleman regarding estimates hearing arrangements.

Regards

Ellen Pinkas

Senior Adviser – Planning and Land Management

Office of Minister Mick Gentleman MLA

[ellen.pinkas@act.gov.au](mailto:ellen.pinkas@act.gov.au) | W: 02 6207 0752

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**From:** LA Committee - Estimates <[LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au)>

**Sent:** Thursday, 11 August 2022 12:34 PM

**To:** GENTLEMAN <[GENTLEMAN@act.gov.au](mailto:GENTLEMAN@act.gov.au)>

**Cc:** Pinkas, Ellen <[Ellen.Pinkas@act.gov.au](mailto:Ellen.Pinkas@act.gov.au)>; Turner, Alicia <[Alicia.Turner@act.gov.au](mailto:Alicia.Turner@act.gov.au)>; Kandola, Shobaz <[Shobaz.Kandola@act.gov.au](mailto:Shobaz.Kandola@act.gov.au)>

**Subject:** RE: Correspondence from Minister Gentleman

OFFICIAL

Good afternoon Ellen,

Please find attached the Chair's response to Minister Gentleman's letter.

Regards,

**Dr David Monk**

Senior Director, Committee Support

Office of the Legislative Assembly

02 620 50129

[david.monk@parliament.act.gov.au](mailto:david.monk@parliament.act.gov.au)

[www.parliament.act.gov.au](http://www.parliament.act.gov.au)

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**From:** GENTLEMAN <[GENTLEMAN@act.gov.au](mailto:GENTLEMAN@act.gov.au)>

**Sent:** Thursday, 11 August 2022 12:20 PM

**To:** LA Committee - Estimates <[LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au)>

**Subject:** FW: Correspondence from Minister Gentleman

**Importance:** High

Good afternoon

I am following up on behalf of the Minister as we have not received a response to his letter sent on Monday. Given the urgency of this matter (hearings commence on Monday), when can we expect a response from the Chair confirming the hearing arrangements?

Regards

Ellen

Ellen Pinkas

Senior Adviser – Planning and Land Management

Office of Minister Mick Gentleman MLA

[ellen.pinkas@act.gov.au](mailto:ellen.pinkas@act.gov.au) | W: 02 6207 0752

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**From:** GENTLEMAN

**Sent:** Monday, 8 August 2022 3:16 PM

**To:** LA Committee - Estimates <[LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au)>

**Cc:** BURCH <[BURCH@parliament.act.gov.au](mailto:BURCH@parliament.act.gov.au)>

**Subject:** Correspondence from Minister Gentleman

Dear Committee

Please find attached correspondence from Minister Gentleman.

Kind regards

Office of Mick Gentleman MLA

Minister for Planning and Land Management

Minister for Police and Emergency Services

Minister for Corrections

Minister for Industrial Relations and Workplace Safety

Manager of Government Business

Member for Brindabella

**P:** +61 6 620 50218 | Legislative Assembly Building, London Circuit, Canberra, ACT 2601 | GPO Box 1020, Canberra, ACT 2601





## Mick Gentleman MLA

Manager of Government Business  
Minister for Planning and Land Management  
Minister for Police and Emergency Services  
Minister for Corrections  
Minister for Industrial Relations and Workplace Safety

Member for Brindabella

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## James Milligan MLA

Chair  
Select Committee on Estimates 2022-23  
ACT Legislative Assembly  
CANBERRA ACT 2601  
By email: [LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au)

Dear Chair *JAMES*

I write in response to the most recent letter from the Committee concerning Estimates. I again express the Government's strong recommendation for the upcoming Budget Estimates Hearings to be offered in a hybrid manner. Hybrid attendance is warranted to permit those staff who are required to attend to choose whether they attend in person or virtually to support ongoing COVID-smart arrangements given current rates of community transmission and the uncertainty of the current situation.

The ACT Chief Health Officer continues to recommend ongoing adherence to COVID-smart behaviours such as physical distancing, mask wearing indoors and staying home when unwell. As recently as 8 August 2022, ACT Health have issued public health communications to continue to recommend mask wearing indoors. The Chief Health Officer has also extended the public health emergency in the ACT until 11:59pm on 30 September 2022 due to the uncertainty of the epidemiological situation. A hybrid offering of Budget Estimates Hearings will prevent crowding and enhance physical distancing for those attending face-to-face and reduce the burden on those staff required to implement COVID-smart controls during proceedings, such as through increased cleaning protocols of desks and equipment between staff attending the committee.

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ACT Legislative Assembly London Circuit, GPO Box 1020, Canberra ACT 2601

 +61 2 6205 0218  [gentleman@act.gov.au](mailto:gentleman@act.gov.au)

 @GENTLEMANMick

 MickGentleman

 mick.gentleman

The ACT Government prides itself on being an inclusive employer, where people of all backgrounds are valued, included and safe in our workplaces.

By failing to offer our staff the option to attend hearings virtually, we are excluding valued and diverse members of our workforce who may be exposed to serious risk when attending due to their personal health status, the personal health status of their loved ones, or due to their own exposure to COVID-19, from participating in the hearings. The ACT Government is obligated under the *Work Health and Safety Act (2011)* as an employer to provide safe workplaces for our staff, including those who are at increased risk of serious illness during the COVID-19 pandemic. The transmission of COVID-19 is considered a foreseeable risk during the pandemic which requires employers to implement targeted risk management strategies to eliminate or reduce the risk of infection including through measures such as hybrid attendance.

Given the rates of infection in the ACT, it would be reasonable to conclude that transmission is at least possible, or indeed likely, at an event requiring large numbers of staff from across the Canberra region to attend face-to-face, share furniture and equipment, and speak in an enclosed space for prolonged periods. Those staff attending are in critical roles from across the Service, where their absence due to illness would have significant impacts on business continuity in workforces that are already stretched due to staff absences and increased service demand. Hybrid attendance would reduce the risk of large groups of staff, or an entire team, in our critical workforces from becoming unwell or being required to reduce their movement in the community after a high-risk exposure.

Requiring face-to-face attendance may disrupt proceedings where key information is unable to be provided in a timely manner during proceedings due to the absence of staff who would have otherwise been able to participate virtually and provide information immediately. This is likely to result in a large number of questions on notice, or a requirement to schedule additional Estimates sessions, which could place additional burden on other critical business operations in both the Assembly and the Government.

Noting assurances that COVID-smart arrangements will be in place such as physical distancing, I draw your attention to evidence that suggest that members of the assembly are unaware of, or noncompliant with, COVID-smart arrangements for workplaces. For example, a recent post by Mr Peter Cain MLA on his Twitter account posted on 9 August 2022 at 5:20pm shows a photograph of the Educational and Community Inclusion Committee's inquiry. This photo demonstrates that COVID-smart arrangements are not being consistently implemented, or indeed implemented at all, in the Legislative Assembly. In the photograph there is no visible evidence of physical distancing between members, masks are not being worn, there is no hand sanitiser visible, and members appear to be gathered in an enclosed space for what appears to be a prolonged period. The indicates a very limited understanding as to what is appropriate during this period of increased risk of transmission.

As MLAs we are role models in the local and regional community, including to businesses and employers in our region. Throughout the pandemic the Assembly has taken a non-partisan approach to expressing support for the best public health advice and work health and safety responsibilities in managing the spread of COVID-19. It is incumbent upon us as leaders in the region to model and

support those public health recommendations to reduce the risk, and as an employer to ensure work health and safety obligations are met and are demonstrated to our valuable staff.

Noting rates of transmission both in the community, and in ACT Government workplaces, and the well-known impacts this has had on business continuity, workforce attendance, service delivery and workload management, I would expect members to support modes that reduce the risk to our staff and the impacts on service delivery for our community.

I look forward to hearing from you that Budget Estimates Hearings will occur in a hybrid manner to those staff who are required to be available to answer the Committee's questions.

Yours sincerely



Mick Gentleman MLA  
Manager of Government Business  
Minister for Industrial Relations and Workplace Safety

*11/8/2022*

Cc: Speaker ([burch@parliament.act.gov.au](mailto:burch@parliament.act.gov.au))



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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**SELECT COMMITTEE ON ESTIMATES 2022-2023**

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair),  
Dr Marisa Paterson MLA

Mr Mick Gentleman MLA  
Manager of Government Business  
Minister for Industrial Relations and Workplace Safety  
Legislative Assembly for the ACT  
196 London Circuit  
CANBERRA ACT 2600

Dear Minister,

**Budget Estimates hearings for 2022-23**

Thank you for your letter of 11 August 2022, regarding concerns about COVID safety arrangements for the upcoming Budget Estimates hearings.

The Committee places high priority on safety for witnesses attending and appreciates these concerns.

The Committee is aware of the importance of the role that the Budget Estimates hearings provide in ensuring effective scrutiny of the budget in line with community expectations and putting in place measures to ensure minimal disruptions. We have put into effect COVID safe practices for the hearings to provide a safe environment for all participants. This includes compliance with the Speaker's recent advice reflecting the views of the Administration and Procedures Committee.

We would appreciate your advice on a suitable hybrid model, noting principles of accountability and respect to the Estimates process. If the Committee does not regard your proposal as feasible, we will expect attendance in the Assembly Building in line with the Speaker's advice. We would also appreciate your views about how the Assembly Building would not provide a safe environment for ACT Government officials. The Committee will have a private meeting at 1.40 pm today to consider this matter and we request that you provide your advice by this time.

The Webex equipment may be available for use, noting the issues with using new equipment.

All efforts will be put in place to ensure safe environment for witnesses.

Yours sincerely,



James Milligan MLA  
Chair  
12 August 2022





**Mick Gentleman MLA**

Manager of Government Business  
Minister for Planning and Land Management  
Minister for Police and Emergency Services  
Minister for Corrections  
Minister for Industrial Relations and Workplace Safety

Member for Brindabella

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**James Milligan MLA**

Chair  
Select Committee on Estimates 2022-23  
ACT Legislative Assembly  
CANBERRA ACT 2601  
By email: [LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au)

Dear Chair *JAMES*

Thank you for your most recent letter of 12 August regarding the upcoming estimates hearings.

I am pleased to hear that the Committee is giving high priority to the safety of all involved in the hearing process. I would expect no less, given the Committee must meet all its workplace safety duties and obligations, including managing the risks of COVID-19.

As I outlined in my previous letters, the ACT is in a public health emergency. We are currently experiencing a wave of cases that is bigger than we have seen at any point in the pandemic.

I am certain that the committee would not want to risk the business continuity of the ACT Public Service, particularly among our frontline operational agencies such as Canberra Health Services, ACT Police and the Emergency Services Agency. However, this is what is at risk when all officials are required to attend in person.

Given the above, I would like to suggest the following approach to hearings.

Ministers will be presumed to attend in person, noting that this still carries significant risk to their own health and does not account for those who may be vulnerable, have family members who are vulnerable, or those who have caring responsibilities. I ask that the Committee acknowledge this risk and consult with members on its risk assessment, as is required under workplace safety duties.

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ACT Legislative Assembly London Circuit, GPO Box 1020, Canberra ACT 2601

 +61 2 6205 0218  [gentleman@act.gov.au](mailto:gentleman@act.gov.au)

 @GENTLEMANMick

 MickGentleman

 mick.gentleman

All ACT Public Service employees and independent statutory office holders will attend virtually unless they elect to attend in person.

Attendees must be able to choose the safest method of appearance without requiring them to disclose private health information to the Committee.

I trust that the Committee will find this both feasible and reasonable.

The ACT Government and the ACT Public Service has been using online technology to conduct meetings for over two years, including Cabinet meetings, and I can reassure the Committee that it works well. Attendance online will not impede the questioning of attendees.

I note that the Assembly was funded as part of COVID-19 support measures for a technical support officer. I also note that, this morning, the Webex technology appeared to work well in the Community Hearings. This should mean that the Committee has no problem using the technology available to it in order to avoid exposing ACT Public Service employees to COVID unnecessarily.

I trust that this process will lead to a workable estimates process and allow for the Committee to conduct full and proper scrutiny of the budget.

Yours sincerely,



Mick Gentleman MLA  
Minister for Industrial Relations and Workplace Safety  
Manager of Government Business

*12/13/2022*



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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**SELECT COMMITTEE ON ESTIMATES 2022-2023**

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair),  
Dr Marisa Paterson MLA

Mr Mick Gentleman MLA  
Manager of Government Business  
Minister for Industrial Relations and Workplace Safety  
Legislative Assembly for the ACT  
196 London Circuit  
CANBERRA ACT 2600

Dear Minister,

**Budget Estimates hearings for 2022-23**

Thank you for your letter of 12 August 2022, regarding concerns about COVID safety arrangements for the upcoming Budget Estimates hearings.

The Committee is considering your letter and will respond as soon as possible.

Yours sincerely,

James Milligan MLA  
Chair  
12 August 2022

# PROHIBITION NOTICE

This is a Prohibition Notice issued under section 195 of the Work Health and Safety Act 2011

## Information

### Notice number N-000005068

Issued By: Meaghan O'Connor

ID number: P50341

### To whom this notice is issued

Name of registered individual: Australian Capital Territory

Business or trading name: Legislative Assembly for the Australian Capital Territory

ABN: 0

Registered Address: 196 London Circuit, Canberra, ACT suburb: state: postcode:

Site address: suburb: state: ACT postcode:

Method of service: Email

Served on: Joy Burch

Date of issue: 12/08/2022

A verbal instruction was issued on:

12/08/2022 03:08 PM

## Description

The provision that the inspector believes is being, or is likely to be, contravened by the activity (s196(1)(c)) is **WHS Acts** Section number - **19**

You are prohibited from carrying on the following activity, or the carrying on of the activity in a specified way:

Undertaking any hearings or committee meetings at Legislative Assembly of the Australian Capital Territory until a risk assessment has been undertaken, adequate control measures are implemented in line with the Hierarchy of Control, and consultation has been undertaken with all affected workers.

until the inspector is satisfied that the matters that give or will give rise to the risk have been remedied (s195(2)).

The inspector reasonably believes that grounds for the issue of this notice exist (s195(1)), i.e. (a) an activity is occurring at a workplace that involves, or will involve, a serious risk to the health or safety of a person emanating from an immediate exposure to a hazard; or (b) an activity may occur at a workplace that, if it occurs, will involve a serious risk to the health or safety of a person emanating from an immediate or imminent exposure to a hazard.

Basis for belief (s196(1)(a))

I, Inspector Meaghan O'Connor, have formed a reasonable belief at 15:40pm on 12/08/2022, that the Legislative Assembly of the Australian Capital Territory has contravened section 19 of the Work Health and Safety Act. Section 19 states- A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers engaged, or caused to be engaged, by the person and workers

whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking. The Select Committee on Estimates 2022-23 (the Committee) has not undertaken a risk assessment in relation to the planned activity 'Estimates 2022-23 Hearings' and has not consulted, so far as is reasonably practicable, with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by the activity. Workers have been directed to attend this planned activity face-to-face only, without alternative options being provided that are readily available to control and eliminate the risk.

Briefly, the activity that the inspector believes involves or will involve the risk, and the matters that gave or will give rise to the risk (s196(1)(b))

The Legislative Assembly of the Australian Capital Territory has not identified reasonably foreseeable risks in the workplace, or implemented adequate control measures in relation to potential and known risks. The risk is transmission of a biological hazard in the workplace, being Covid-19, without consideration of eliminating the risk (in line with the Hierarchy of Controls) in preventing contraction of the disease that could cause serious injury or death.

This Notice may include directions concerning the measures to be taken to remedy the risk or contravention. You must comply with the direction

1. Undertake a risk assessment in relation to face-to-face hearings or committee meetings at the Legislative Assembly of the Australian Capital Territory.
2. Develop and implement adequate control measures in line with the Hierarchy of Control pursuant to regulation 36 of the Work Health and Safety Regulation 2011.
3. Consult with all workers who are, or are likely to be, directly affected by the activity.
4. Provide evidence of the risk assessment, control measures, and consultation process having been undertaken to Inspector O'Connor via [meaghan.o'connor@worksafe.act.gov.au](mailto:meaghan.o'connor@worksafe.act.gov.au)

This notice must be displayed in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice pursuant to section 210 of the Work Health and Safety Act 2011.

The inspector recommends that you:

Review the following information:

Work Health and Safety (How to Manage Work Health and Safety Risks Code of Practice) Approval 2020  
Work Health and Safety (Work Health and Safety Consultation, Cooperation and Coordination Code of Practice) Approval 2022

See over for important information on your rights and responsibilities.

## **Prohibition Notice issued under section 191 of the Work Health and Safety Act 2011 - further information**

If you have any questions you may contact the inspector who issued this notice.

### **Display of Notices**

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

### **Compliance with direction or notice**

The person to whom a Prohibition notice is issued must comply with the notice (s197). The maximum penalty for failing to comply with this requirement is \$100,000 for an individual or \$500,000 for a corporation.

### **Regulator may carry out action**

If a person to whom a prohibition notice is issued fails to take reasonable steps to comply with the notice, and after giving written notice of its intentions and the persons liability for the costs, the regulator (WorkSafe ACT) may take any remedial action it believes reasonable to make the workplace or situation safe (s 211). The regulator may then recover the reasonable costs of taking this remedial action (s213).

### **Contents of Notice**

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

### **Directions and recommendations**

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Prohibition notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

### **Changes to notice by inspector**

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

### **Privacy statement**

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies.

WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at [www.act.gov.au/privacy](http://www.act.gov.au/privacy).

### **Review of this *Work Health and Safety Act* notice**

If you have any questions or need more information you may contact the inspector who issued this notice, or email [worksafe@act.gov.au](mailto:worksafe@act.gov.au).

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days. You may also make an application for the reviewer to stay the operation of the Prohibition notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: [worksafe@act.gov.au](mailto:worksafe@act.gov.au)

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at [www.acat.act.gov.au](http://www.acat.act.gov.au).

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

### **WorkSafe ACT contact details**

PO Box 158, Canberra ACT 2601

Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax:(02) 6205 0336.

### **Translating and Interpreting Service**

Phone: 131 450



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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**SELECT COMMITTEE ON ESTIMATES 2022-2023**

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair),  
Dr Marisa Paterson MLA

Ms Jacqueline Agius  
Work Health and Safety Commissioner  
Worksafe ACT  
Canberra Nara Centre  
3 Constitution Avenue  
CANBERRA ACT 2601

By email: [Jacqueline.Agius@worksafe.act.gov.au](mailto:Jacqueline.Agius@worksafe.act.gov.au)  
[worksafe@worksafe.act.gov.au](mailto:worksafe@worksafe.act.gov.au)

Dear Ms Agius

**Prohibition Notice in relation to activities of the Select Committee on Estimates 2022-2023**

I am writing to you in my capacity as Chair of the Select Committee on Estimates 2022-2023 (the Committee) in relation to a Prohibition Notice issued under section 195 of the *Work Health and Safety Act 2011*, to the Speaker of the Legislative Assembly on Friday, 12 August 2022. The notice purports to prohibit the Committee from:

*Undertaking any hearings or committee meetings at Legislative Assembly of the Australian Capital Territory until a risk assessment has been undertaken, adequate control measures are implemented in line with the Hierarchy of Control, and consultation has been undertaken with all affected workers.*

The Committee has this morning resolved to request that you provide it with the details of the complainant and the complaint in relation to the prohibition notice, by no later than **1pm today, 15 August 2022**.

This request is made pursuant to standing order 239, which provides: *A committee shall have power to send for persons, papers and records.*

Failure to provide this information to the Committee may constitute a contempt under standing order 277 (h): *A person shall not, without reasonable excuse, disobey a lawful order of the Assembly or a committee.*

If you wish to discuss this request, please contact Dr David Monk, Senior Director Committee Support, and Secretary to the Committee.

Yours sincerely

  
James Milligan MLA  
Chair  
15 August 2022





**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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**SELECT COMMITTEE ON ESTIMATES 2022-2023**

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair),  
Dr Marisa Paterson MLA

Mr Mick Gentleman MLA  
Minister for Planning and Land Management  
Minister for Police and Emergency Services  
Minister for Corrections  
Minister for Industrial Relations and Workplace Safety  
Legislative Assembly for the ACT  
London Circuit  
CANBERRA ACT 2601

Dear Minister,

**Estimates 2022-23 Hearings**

I refer to my previous correspondence on 28 July 2022 and 11 August with details of your appearance before the Select Committee on Estimates 2022-23. Following the WorkSafe ACT prohibition notice of 12 August 2022, the Committee has had to amend the hearing schedule for the Select Committee on Estimates 2022-23.

Hearings planned for Monday 15 August 2022 are now scheduled for Monday 29 August 2022. Similarly hearings planned for Tuesday 16 August 2022 are now scheduled for Tuesday 30 August 2022. It is now planned that the hearings will be held in the Chamber rather than the Prince Edward Island Room.

All other details remain the same.

If there are any questions your officials can contact Kathleen de Kleuver on (02) 6207 0524 or at [LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au).

Yours sincerely,

James Milligan MLA  
Chair  
15 August 2022

**From:** [LA Committee - Estimates](#)  
**To:** [Speaker](#)  
**Cc:** [Gonczarek, Melinda](#); [LA Committee - Estimates](#); [Monk, David](#)  
**Subject:** Correspondence between Select Committee on Estimates 2022-2023 and Minister Gentleman  
**Date:** Monday, 15 August 2022 11:50:49 AM  
**Attachments:** [00 - Combined Correspondence - Select Committee on Estimates and Minister Gentleman.pdf](#)  
[image001.png](#)

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Madam Speaker,

I write to you at the direction of the Select Committee on Estimates 2022-2023.

The Committee resolved today that the attached correspondence between the Committee and Minister Gentleman be provided to you.

If you have any questions about this correspondence, the contact person for this inquiry is Dr David Monk, Senior Director of Committee Support.

Yours,

**Samuel Thompson**

Committee Secretary | Committee Support Office | Parliamentary Support Branch  
P (02) 620 50435 | E [SamuelR.Thompson@parliament.act.gov.au](mailto:SamuelR.Thompson@parliament.act.gov.au)



[www.parliament.act.gov.au](http://www.parliament.act.gov.au)

**From:** [LA Committee - Estimates](#)  
**To:** [Aaron Guilfoyle](#)  
**Cc:** [LA Committee - Estimates](#)  
**Subject:** RE: Estimates Committee request of WorkSafe ACT  
**Date:** Tuesday, 16 August 2022 10:19:00 AM  
**Attachments:** [image001.jpg](#)  
[image007.png](#)  
[image002.jpg](#)  
[image003.jpg](#)  
[image004.jpg](#)

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OFFICIAL

Dear Mr Guilfoyle,

Thank you for this advice.

The Committee agrees to this extension.

The Committee does have a query in relation to your comment that the relevant notice has been withdrawn. The Speaker received a new notice yesterday afternoon. The Committee would appreciate it if you could please clarify this.

Yours sincerely,

**Dr David Monk**

Senior Director, Committee Support  
Office of the Legislative Assembly  
02 620 50129

[david.monk@parliament.act.gov.au](mailto:david.monk@parliament.act.gov.au)

[www.parliament.act.gov.au](http://www.parliament.act.gov.au)

---

**From:** Monk, David <[David.Monk@parliament.act.gov.au](mailto:David.Monk@parliament.act.gov.au)>  
**Sent:** Monday, 15 August 2022 3:22 PM  
**To:** Aaron Guilfoyle <[aguilfoyle@macdonnells.com.au](mailto:aguilfoyle@macdonnells.com.au)>  
**Cc:** LA Committee - Estimates <[LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au)>  
**Subject:** RE: Estimates Committee request of WorkSafe ACT

OFFICIAL

Dear Mr Guilfoyle,

I confirm receipt of your email.

I am consulting the Committee and I will arrange for a response to be provided to you.

Yours sincerely,

**Dr David Monk**

Senior Director, Committee Support  
Office of the Legislative Assembly  
02 620 50129

[david.monk@parliament.act.gov.au](mailto:david.monk@parliament.act.gov.au)

[www.parliament.act.gov.au](http://www.parliament.act.gov.au)

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**From:** Aaron Guilfoyle <[aguilfoyle@macdonnells.com.au](mailto:aguilfoyle@macdonnells.com.au)>  
**Sent:** Monday, 15 August 2022 3:00 PM  
**To:** Monk, David <[David.Monk@parliament.act.gov.au](mailto:David.Monk@parliament.act.gov.au)>  
**Cc:** LA Committee - Estimates <[LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au)>  
**Subject:** RE: Estimates Committee request of WorkSafe ACT

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[Learn why this is important](#)

Dear Mr Milligan (via Mr Monk),

We refer to your letter of 15 August 2022 and advise we act for the Work Health and Safety Commissioner, Ms Agius

You advise the Select Committee on Estimates 2022-23 resolved this morning to request that the Commissioner provide "details of the complainant and the complaint in relation to the prohibition notice" issued on 12 August 2022.

The *Work Health and Safety Act 2011* (the **Act**) provides, at s.271(4) that a person, including the Commissioner, commits an offence if –

- (a) the person (the defendant) intentionally discloses to another person the name of an individual; and
- (b) the individual has made a complaint in relation to the person to whom the individual's name is disclosed; and
- (c) the defendant knows or is reckless as to that fact.

The person does not commit an offence under subsection if the disclosure is made with the consent of the individual or is required under a law.

There is a live question whether the disclosure is required under law. If not, the Commissioner would be prima facie liable for a criminal offence under the Act for disclosing the name of an individual to any person, including the Legislative Assembly, if the complaint was made about that person.

The issues bearing on that question are, *inter alia*, the extent to which a person served with a prohibition notice could circumvent that important privacy protection, and whether the information requested is a call for "persons, papers or records" pursuant to the *Standing Orders*. We respectfully request, in circumstances where the relevant prohibition notice has now been withdrawn, an extension until close of business, tomorrow, 16 August 2022, to further respond to the request.

Regards,

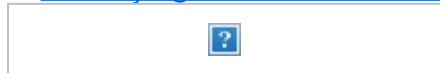
**Aaron Guilfoyle**

Special Counsel

T. +61 7 3031 9878

M. 0418 723 811

E. [AGuilfoyle@macdonnells.com.au](mailto:AGuilfoyle@macdonnells.com.au)



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we strongly advise that you **ALWAYS** contact us via phone to verify our bank account details, prior to you making a deposit.

If we change our bank account details we will contact you by phone so please **DO NOT** act on any correspondence which suggests

we have changed our account details without first phoning us.

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**From:** Monk, David <[David.Monk@parliament.act.gov.au](mailto:David.Monk@parliament.act.gov.au)>

**Sent:** Monday, 15 August 2022 11:26 AM

**To:** Aaron Guilfoyle <[aguilfoyle@macdonnells.com.au](mailto:aguilfoyle@macdonnells.com.au)>

**Cc:** LA Committee - Estimates <[LACCommitteeEstimates@parliament.act.gov.au](mailto:LACCommitteeEstimates@parliament.act.gov.au)>

**Subject:** Estimates Committee request of WorkSafe ACT

**OFFICIAL**

Dear Mr Guilfoyle,

I am responding to your verbal request this morning that the deadline for the Committee's written request be extended from 1 pm to 3 pm today. The request is for information about the complaint and complainant in relation to the current prohibition notice served on the Speaker of the Legislative Assembly.

The Committee has agreed to the extension.

I look forward to discussing this matter further with you, as appropriate.

Yours sincerely,

**Dr David Monk**

Senior Director, Committee Support  
Office of the Legislative Assembly  
02 620 50129

[david.monk@parliament.act.gov.au](mailto:david.monk@parliament.act.gov.au)

[www.parliament.act.gov.au](http://www.parliament.act.gov.au)

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# PROHIBITION NOTICE

This is a Prohibition Notice issued under section 195 of the Work Health and Safety Act 2011

## Information

### Notice number N-000005078

Issued By: Meaghan O'Connor

ID number: P50341

### To whom this notice is issued

Name of registered individual: Australian Capital Territory

Business or trading name: Legislative Assembly for the Australian Capital Territory

ABN: 0

Registered Address: 196 London Circuit, Canberra, ACT suburb: state: postcode:

Site address: 196 London Circuit suburb: Canberra state: ACT postcode: 2601

Method of service: Email

Served on: Joy Burch

Date of issue: 15/08/2022

A verbal instruction was issued on:

15/08/2022 10:08 AM

## Description

The provision that the inspector believes is being, or is likely to be, contravened by the activity (s196(1)(c)) is **WHS Acts** Section number - **19**

You are prohibited from carrying on the following activity, or the carrying on of the activity in a specified way:

Conducting committee hearings at the Legislative Assembly of the Australian Capital Territory, at which participants attend in person, until a risk assessment has been undertaken, adequate control measures are implemented in line with the Hierarchy of Control, and consultation has been undertaken with all affected workers and others.

until the inspector is satisfied that the matters that give or will give rise to the risk have been remedied (s195(2)).

The inspector reasonably believes that grounds for the issue of this notice exist (s195(1)), i.e. (a) an activity is occurring at a workplace that involves, or will involve, a serious risk to the health or safety of a person emanating from an immediate exposure to a hazard; or (b) an activity may occur at a workplace that, if it occurs, will involve a serious risk to the health or safety of a person emanating from an immediate or imminent exposure to a hazard.

Basis for belief (s196(1)(a))

Inspectors requested evidence of a risk assessment being undertaken in relation to the planned activity 'Estimates 2022-23 Hearings', from both the Deputy Chair of the Committee, as well as the Clerk of the Legislative Assembly. Neither persons could provide a copy of a risk assessment, or demonstrate knowledge of a risk assessment

having been conducted in relation to the planned activity. Further, the Clerk of the Legislative Assembly could not demonstrate knowledge of a risk assessment having been conducted generally in relation to hearings and/or committee's undertaken at the Legislative Assembly of the Australian Capital Territory, stating that it's up to each committee, which are run differently and independently.

Inspectors requested evidence of consultation being undertaken in relation to the planned activity 'Estimates 2022-23 Hearings' from the Deputy Chair of the Committee, who advised that consultation occurred through letters that were sent out to Ministers in relation to the activity. When Inspectors reviewed a copy of the supplied letters, it was identified that the letters did not capture the nature of consultation in line with section 48 of the Work Health and Safety Act 2011.

A review of the current Risk Register provided by the workplace as part of the overarching COVID-Safe Plan- 10th Assembly' document identified that the document provided is in draft-state, with the previous version/approval being considered by the WHS committee on 8 March 2022. Further review of the section 'Exposure risks-committee hearings/meetings' fails to demonstrate that the risk has been adequately assessed, or confirm that the Hierarchy of Control has been applied.

Briefly, the activity that the inspector believes involves or will involve the risk, and the matters that gave or will give rise to the risk (s196(1)(b))

I, Inspector Meaghan O'Connor, have formed a reasonable belief at 15:40pm on 12/08/2022, that the Legislative Assembly of the Australian Capital Territory has contravened section 19 of the Work Health and Safety Act. Section 19 states- A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers engaged, or caused to be engaged, by the person and workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking. The Select Committee on Estimates 2022-23 (the Committee) has not undertaken a risk assessment in relation to the planned activity 'Estimates 2022-23 Hearings' and has not consulted, so far as is reasonably practicable, with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by the activity. Workers have been directed to attend this planned activity face-to-face only, without alternative options being provided that are readily available to control and eliminate the risk.

The Legislative Assembly of the Australian Capital Territory has not identified reasonably foreseeable risks in the workplace, or implemented adequate control measures in relation to potential and known risks. The risk is transmission of a biological hazard in the workplace, being Covid-19, without consideration of eliminating the risk (in line with the Hierarchy of Controls) in preventing contraction of the disease that could cause serious injury or death.

This Notice may include directions concerning the measures to be taken to remedy the risk or contravention. You must comply with the direction

1. Undertake a risk assessment in relation to face-to-face hearings or committee meetings at the Legislative Assembly of the Australian Capital Territory.
2. Develop and implement adequate control measures in line with the Hierarchy of Control pursuant to regulation 36 of the Work Health and Safety Regulation 2011.

3. Consult with all workers (and participants) who are, or are likely to be, directly affected by the activity.
4. Provide evidence of the risk assessment, control measures, and consultation process having been undertaken to Inspector O'Connor via [meaghan.o'connor@worksafe.act.gov.au](mailto:meaghan.o'connor@worksafe.act.gov.au)

This notice must be displayed in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice pursuant to section 210 of the Work Health and Safety Act 2011.

The inspector recommends that you:

Review the following information:

Work Health and Safety (How to Manage Work Health and Safety Risks Code of Practice) Approval 2020  
Work Health and Safety (Work Health and Safety Consultation, Cooperation and Coordination Code of Practice) Approval 2022

See over for important information on your rights and responsibilities.



## **Prohibition Notice issued under section 191 of the Work Health and Safety Act 2011 - further information**

If you have any questions you may contact the inspector who issued this notice.

### **Display of Notices**

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

### **Compliance with direction or notice**

The person to whom a Prohibition notice is issued must comply with the notice (s197). The maximum penalty for failing to comply with this requirement is \$100,000 for an individual or \$500,000 for a corporation.

### **Regulator may carry out action**

If a person to whom a prohibition notice is issued fails to take reasonable steps to comply with the notice, and after giving written notice of its intentions and the persons liability for the costs, the regulator (WorkSafe ACT) may take any remedial action it believes reasonable to make the workplace or situation safe (s 211). The regulator may then recover the reasonable costs of taking this remedial action (s213).

### **Contents of Notice**

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

### **Directions and recommendations**

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Prohibition notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

### **Changes to notice by inspector**

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

### **Privacy statement**

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies.

WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at [www.act.gov.au/privacy](http://www.act.gov.au/privacy).

### **Review of this *Work Health and Safety Act* notice**

If you have any questions or need more information you may contact the inspector who issued this notice, or email [worksafe@act.gov.au](mailto:worksafe@act.gov.au).

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days. You may also make an application for the reviewer to stay the operation of the Prohibition notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: [worksafe@act.gov.au](mailto:worksafe@act.gov.au)

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at [www.acat.act.gov.au](http://www.acat.act.gov.au).

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

### **WorkSafe ACT contact details**

PO Box 158, Canberra ACT 2601

Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax:(02) 6205 0336.

### **Translating and Interpreting Service**

Phone: 131 450

**From:** [GENTLEMAN](#)  
**To:** [LA Committee - Estimates](#)  
**Cc:** [Gentleman, Mick](#)  
**Subject:** RE: Private Briefing - Select Committee on Estimates 2022-2023 - 2pm Today, 16 August 2022  
**Date:** Tuesday, 16 August 2022 2:11:42 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.jpg](#)

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Thanks Mr Thompson.

I can confirm both Minister and Dr West are on their way down.

Kind regards

SK

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**From:** LA Committee - Estimates <[LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au)>  
**Sent:** Tuesday, 16 August 2022 2:09 PM  
**To:** GENTLEMAN <[GENTLEMAN@act.gov.au](mailto:GENTLEMAN@act.gov.au)>  
**Cc:** Gentleman, Mick <[Mick.Gentleman@act.gov.au](mailto:Mick.Gentleman@act.gov.au)>  
**Subject:** RE: Private Briefing - Select Committee on Estimates 2022-2023 - 2pm Today, 16 August 2022

Hello Shobaz,

Thank you for your email.

The Committee has requested that I confirm that the briefing with Minister Gentleman today is only to discuss COVID-19 arrangements for Estimates Hearings.

The Committee has resolved to allow Dr Damian West to attend the briefing also.

The Committee has confirmed that the briefing is to be held face-to-face in the Prince Edward Island Room.

Yours,

**Samuel Thompson**

Committee Secretary | Committee Support Office | Parliamentary Support Branch  
P (02) 620 50435 | E [SamuelR.Thompson@parliament.act.gov.au](mailto:SamuelR.Thompson@parliament.act.gov.au)



[www.parliament.act.gov.au](http://www.parliament.act.gov.au)

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**From:** GENTLEMAN <[GENTLEMAN@act.gov.au](mailto:GENTLEMAN@act.gov.au)>  
**Sent:** Tuesday, 16 August 2022 1:53 PM  
**To:** LA Committee - Estimates <[LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au)>  
**Cc:** Monk, David <[David.Monk@parliament.act.gov.au](mailto:David.Monk@parliament.act.gov.au)>  
**Subject:** RE: Private Briefing - Select Committee on Estimates 2022-2023 - 2pm Today, 16 August 2022

Dear Mr Thompson

Minister Gentleman has me to respond on his behalf.

Are you able to advise the purpose of the meeting? Also, given current public health emergency, is it possible to have Minister Gentleman appear with Officials online?

As noted in Minister Gentleman's previous correspondence to Committee, both him, Officials and his office are available to assist the Committee with the estimates process, include COVID safe arrangements.

Kind regards

**Shobaz Kandola**

Chief of Staff

**Office of Minister Mick Gentleman MLA**

ACT Government



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**From:** LA Committee - Estimates <[LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au)>

**Sent:** Tuesday, 16 August 2022 1:39 PM

**To:** GENTLEMAN <[GENTLEMAN@act.gov.au](mailto:GENTLEMAN@act.gov.au)>

**Cc:** Gentleman, Mick <[Mick.Gentleman@act.gov.au](mailto:Mick.Gentleman@act.gov.au)>; Monk, David <[David.Monk@parliament.act.gov.au](mailto:David.Monk@parliament.act.gov.au)>

**Subject:** Private Briefing - Select Committee on Estimates 2022-2023 - 2pm Today, 16 August 2022

Minister Gentleman,

I write to you at the direction of the Select Committee on Estimates 2022-2023.

The Committee requests your attendance before it in private briefing today at 2pm at the Prince Edward Island Room.

If you have any questions about this correspondence, I may be contacted using the details below.

Yours,

**Samuel Thompson**

Committee Secretary | Committee Support Office | Parliamentary Support Branch  
P (02) 620 50435 | E [SamuelR.Thompson@parliament.act.gov.au](mailto:SamuelR.Thompson@parliament.act.gov.au)



[www.parliament.act.gov.au](http://www.parliament.act.gov.au)

**Our Ref:** AJG:AJG:220890

16 August 2022

Mr James Milligan MLA  
Chair, Select Committee on Estimates  
Legislative Assembly  
Civic Square, London Circuit  
GPO Box 1020  
Canberra ACT 2601

By Email: [David.Monk@parliament.act.gov.au](mailto:David.Monk@parliament.act.gov.au); [LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au)

Dear Mr Milligan,

### **Submission to withdraw request for information**

1. I refer to your letter of 15 August 2022 to Work Health and Safety Commissioner Jacqueline Agius (**Commissioner Agius**) in which you state that the Select Committee on Estimates 2022-2023 (the **Select Committee**) resolved to 'request' that Commissioner Agius provide it with "the details of the complainant and the complaint" in relation to the Prohibition Notice issued on Friday 12 August 2022 ('PN 5068') by Inspector O'Connor.
2. You assert this request was "made pursuant to Standing Order 239 which provides: *A committee shall have power to send for persons, papers and records*" and that failure to provide this information to the Committee may constitute contempt under Standing Order 277(h), which provides that "(a) person shall not, **without reasonable excuse**, disobey a lawful order of the Assembly or a committee" (our emphasis).
3. Whilst it is not entirely clear what is meant by "the details of the complainant and the complaint", we have interpreted this as a 'request' by the Select Committee that Commissioner Agius divulge to it the identity of any person or persons who may have brought possible breaches of s19 of *the Work Health and Safety Act 2011 Act* (the **Act**) to the attention of WorkSafe ACT and the particulars of any such complaint.
4. For reasons set out below, and without confirming whether WorkSafe ACT received such a complaint, let alone divulging the particulars of it or the identity of a complainant, Commissioner Agius must refuse your 'request'.

### **Nature of the Request**

5. As you are aware, the Act is an "Act about work health and safety, and for other purposes". Those purposes include ensuring that persons conducting a business or undertaking ensure, so far as reasonably practicable, the health and safety of workers engaged by the business or

undertaking (see s19). The Act is specifically stated to bind the Crown in the right of the Territory (see s10).

6. Section 271 of the Act is headed "Confidentiality of information". Section 271(4) states that it is an offence for a person, including Commissioner Agius, to intentionally disclose to another person (the complained about person) the name of an individual who has made a complaint to them about the complained about person. A clear intent of this provision is to protect 'whistle-blowers' who raise safety issues about their employers or third parties, from having their identity disclosed to those employers or third parties. In the context of ensuring the safety of workers, ensuring that persons who make complaints to WorkSafe ACT, about safety issues, may do so confidentially and without fear of retribution is clearly a desirable object. Such information can only be disclosed with the consent of the individual or where it is required under a law (s271(5)).
7. We also note, in passing, the *Public Interest Disclosure Act 2012* contains provisions about the protection of individuals who report 'disclosable conduct', which includes conduct that results in "a substantial and specific danger to public health or safety" (see s8(1)(b)).
8. Your request is made pursuant to a resolution of the Select Committee, and in the context of the issuing of PN 5068 by Inspector O'Connor.
9. On its face, your request seeks that Commissioner Agius disclose to the Select Committee the identity of a person who may have made a complaint about safety concerns held about the working environment in which the Select Committee was undertaking, or proposing to undertake, its duties. For very good reason, the legislature has determined that such disclosure be confidential.
10. Accordingly, to the extent that the Select Committee's request may be a lawful order in exercise of the powers of the Select Committee under Standing Order 277(h) (see further below), and to the extent that this request may still be relevant or valid given PN 5068 has subsequently been withdrawn, Commissioner Agius declines your request, pursuant to s.271(4) of the Act. We are not satisfied that the request qualifies as a requirement under a law, and, if we are mistaken as to this, we take the view that Commissioner Agius has a reasonable excuse in not complying with your request.

### **Nature of a Prohibition Notice**

11. Sections 195(1) and (2) of the Act relevantly provide that if **an inspector** reasonably believes that "an activity may occur at a workplace that, if it occurs, will involve a serious risk to the health or safety of a person emanating from an immediate or imminent exposure to a hazard" then "(t)he inspector may give a person who has control over the activity a direction prohibiting the carrying on of the activity, or the carrying on of the activity in a specified way, until an inspector is satisfied that the matters that give or will give rise to the risk have been remedied".
12. The inspector's belief may be informed by any number of factors. Even if an inspector has received a complaint or information about a workplace, and that information has provided a basis for an inspector to enter and inspect a workplace under the Act, the power to issue a prohibition notice is predicated on an inspector's reasonable belief, not a complaint or a complainant's belief.

13. Here, both the first (withdrawn) prohibition notice (PN 05068) and the current (in force) prohibition notice (PN 05078) make clear the bases of Inspector O'Connor's belief. Those bases exclusively relate to enquiries made by the inspector upon her entry to the workplace.
14. Any information, including that in the nature of a complaint, received by Commissioner Agius in her capacity as the regulator under the Act, or brought to the attention of Inspector O'Connor, has no nexus in law to the issue of the prohibition notice.

### **The Extent of the Power under Standing Orders**

15. The request purports to be made by the Select Committee pursuant to Standing Order 239 of the *Standing Orders* of the Legislative Assembly, which provides]:

*"A committee shall have power to send for persons, papers and records."*

16. "Papers" and "records" are not defined in the *Standing Orders*. Records must be construed widely and could include electronic or other records held by Commissioner Agius.
17. The request in this instance, however, is one for information. It is tantamount to a request of Commissioner Agius to answer questions. That request falls well outside the power in Standing Order 239 by reference to its language. It is not a request for a defined paper or record, or a defined class of either.
18. We note Standing Order 240 provides "A committee may direct the secretary to the committee to summon witnesses to be examined before the committee". It is accepted that the Select Committee has power to summons Commissioner Agius to be examined before it. No such summons or request has been made.
19. Further, the particular request here has to be considered in the context of the Select Committee's Terms of Reference. On 24 March 2022, the Legislative Assembly passed a resolution that:

*"(1) a Select Committee on Estimates 2022-2023 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2022-2023, the Appropriation (Office of the Legislative Assembly) Bill 2022-2023 and any revenue estimates proposed by the Government in the 2022-2023 Budget and prepare a report to the Assembly."*

20. The powers granted to the Select Committee under the *Standing Orders* are not without limits. The *Standing Orders* are made under the *Australian Capital Territory (Self-Government) Act 1988* (Cth). Just as that Act must be interpreted by reference to its purpose, so too must the *Standing Orders*, and the powers therein, be interpreted by reference to the Terms of Reference of the Select Committee.
21. It is inconceivable that the power to call for persons, papers and records, directed to the purpose of an examination of the expenditure proposals contained in the *Appropriation Bill 2022-2023, the Appropriation (Office of the Legislative Assembly) Bill 2022-2023* and any revenue estimates proposed by the Government in 2022-2023 could include a power to require the Work Health and Safety Commissioner to disclose the identity of a person who may have complained about possible non-compliance by the Legislative Assembly with its work health and safety duties under the Act.

22. Such an approach is entirely consistent with the confidentiality provisions in the Act referred to above (s271).
23. It is noted that the current prohibition notice (PN 05078) does not purport, in any way, to direct the conduct of the business of the Select Committee or prohibit hearings. Rather, it prohibits the conduct of that activity in a certain way, namely by participants attending in person. We suggest that if appropriate resources and attention were directed towards addressing the matters in PN 05078, rather than towards trying to identify a particular person who may have disclosed concerns they had about the safety of the working environment of the Select Committee, the prohibition notice might be able to be lifted within a relatively short period.
24. In any event, we note Standing Order 229C(3), which states that:

*229C. A committee may conduct proceedings in any of the following ways:*

*...*

*(c) in any other form in accordance with the standing orders and practices relating to the conduct of committees of the Assembly.*

25. We understand previous Select Committees have conducted hearings remotely in the course of the COVID-19 pandemic.

### **Summary**

26. The Select Committee's request for information relating to PN05068 is otiose given that PN05068 has been withdrawn.
27. The Legislative Assembly holds work health and safety duties under the Act. It must comply with those duties to the same extent as any other duty holder. It would be an abuse of its unique position to obtain confidential information received by Commissioner Agius, under the cover of Standing Orders, where that information has no relevance to the work of the Select Committee and would not be available to any other duty holder.
28. The request is one for information. The power under which the request was made does not permit an examination of the independent Commissioner of this kind.
29. Compliance with the extant prohibition notice would remedy the risks identified in the notice and, again, render the request for information otiose.
30. We respectfully request the Select Committee to reconsider its position and resolve to withdraw the request.
31. We would be grateful for the response of the Select Committee by 5:00pm today, where that is the time nominated by the Select Committee for compliance with the request.



Yours faithfully  
**MacDonnells Law**

A handwritten signature in blue ink that reads "MacDonnells Law". The signature is written in a cursive, flowing style.

**Contact:** Aaron Guilfoyle  
**Position:** Special Counsel  
**Direct:** +61 7 3031 9878  
**Email:** [AGuilfoyle@macdonnells.com.au](mailto:AGuilfoyle@macdonnells.com.au)



## Mick Gentleman MLA

Manager of Government Business  
Minister for Planning and Land Management  
Minister for Police and Emergency Services  
Minister for Corrections  
Minister for Industrial Relations and Workplace Safety

Member for Brindabella

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## James Milligan MLA

Chair  
Select Committee on Estimates 2022-23  
ACT Legislative Assembly  
CANBERRA ACT 2601  
By email: [LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au)

Dear Chair *JAMES*

Further to my correspondence last week regarding Hearings of the Select Committee on Estimates and to our meeting earlier this afternoon, I am writing to confirm the hybrid arrangements the Committee has agreed to.

As noted, the Government has been ready to commence the Estimates process to ensure scrutiny of the 2022-23 Appropriation Bills.

The Government welcomes the Committee's agreement to the hybrid model proposed last week. This approach will enable Ministers and Directors-General, and Deputy Directors-General (as needed) to appear in person before the Committee. All other Officials will attend online. Social distancing, mask wearing, cleaning, and other measures should also be offered and adhered to.

The above model will assist the Government, both Ministers and Officials, to discharge their duty to keep public servants safe.

To assist the Committee, the Government has agreed to review the risk assessment prepared for the hybrid model above. This review will be considered by the Government as consultation for the purposes of the *Work Health and Safety Act 2011*, as it will engage with and consequentially reflect the interest of all those required to attend the Estimate Hearings in person. The Government will endeavour to undertake the review as quickly as possible.

---

ACT Legislative Assembly London Circuit, GPO Box 1020, Canberra ACT 2601

 +61 2 6205 0218  [gentleman@act.gov.au](mailto:gentleman@act.gov.au)

 @GENTLEMANMick

 MickGentleman

 mick.gentleman

The agreed hybrid model can be instituted once the WorkSafe prohibition notice has been lifted. Should this not occur before the scheduled commencement of the Hearings tomorrow, the Government stands ready and willing to commence these Hearings online.

I thank the Committee for their decision and again advise that myself, my Office and Officials from the Chief Minister, Economic Development and Treasury Directorate stand ready to assist the Committee.

Yours sincerely



Mick Gentleman MLA  
Manager of Government Business  
Minister for Industrial Relations and Workplace Safety

*16/8/2022*



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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**SELECT COMMITTEE ON ESTIMATES 2022–2023**

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair),  
Dr Marisa Paterson MLA

Mr Mick Gentleman MLA  
Legislative Assembly for the ACT  
By email: [gentleman@act.gov.au](mailto:gentleman@act.gov.au)

Dear Minister,

**Select Committee on Estimates 2022–2023—Hearing Consultation**

I am writing to you in my capacity as the Chair of the Select Committee on Estimates 2022-2023 (the Committee).

As witnesses will be aware, the Legislative Assembly is currently the subject of a Prohibition Notice issued by WorkSafe ACT. The order purports to prevent the Committee from conducting hearings in person. The removal of the order is subject to conditions, including that the Committee:

*Consult with all workers (and participants) who are, or are likely to be, directly affected by the activity.*

The Committee considers that it is not possible to consult with all possible ACT Government witnesses. The Committee has resolved that it will seek that only responsible Ministers, the Speaker, Officers of the Assembly, and Independent Statutory Office Holders, may attend Estimates hearings. This is so as to comply with the WorkSafe notice. At this stage the Committee will not be seeking officials to appear as witnesses during hearings. The Committee is also taking the additional measure of conducting hearings in the Legislative Assembly Chamber with Chamber COVID-19 protocols remaining in place.

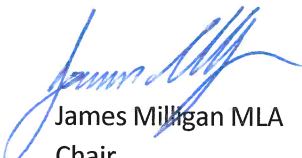
Out of an abundance of caution, the Committee is writing to you as a witness, and Person Conducting a Business or Undertaking (PCBU) under the *Work Health and Safety Act 2011* (ACT), to consult with you on the conduct of its upcoming Estimates hearings.

As part of its consultation the Committee is seeking your input to its proposal, and the Risk Register attached, by no later than 5 pm 17 August 2022.

The Committee intends for hearings to recommence from Monday, 22 August 2022, in line with an updated hearing schedule to be published in the coming days.

The Committee notes that the letter received from you earlier today provides a different interpretation of how Estimates will proceed. This letter is inaccurate and the Committee will take action as appropriate.

Yours sincerely,



James Milligan MLA  
Chair

16 August 2022

**From:** [Monk, David](#)  
**To:** [Aaron Guilfoyle; LA Committee - Estimates](#)  
**Subject:** RE: Estimates Committee request of WorkSafe ACT  
**Date:** Wednesday, 17 August 2022 11:55:29 AM  
**Attachments:** [image001.png](#)  
[image002.jpg](#)  
[image004.jpg](#)

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OFFICIAL

Dear Mr Guilfoyle,  
The Committee is meeting at 2 pm today to consider your correspondence.  
The Committee will respond to your letter by close of business today.  
Yours sincerely,

**Dr David Monk**

Senior Director, Committee Support  
Office of the Legislative Assembly  
02 620 50129

[david.monk@parliament.act.gov.au](mailto:david.monk@parliament.act.gov.au)  
[www.parliament.act.gov.au](http://www.parliament.act.gov.au)

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**From:** Aaron Guilfoyle <[aguilfoyle@macdonnells.com.au](mailto:aguilfoyle@macdonnells.com.au)>  
**Sent:** Wednesday, 17 August 2022 10:46 AM  
**To:** Monk, David <[David.Monk@parliament.act.gov.au](mailto:David.Monk@parliament.act.gov.au)>; LA Committee - Estimates <[LACCommitteeEstimates@parliament.act.gov.au](mailto:LACCommitteeEstimates@parliament.act.gov.au)>  
**Subject:** Estimates Committee request of WorkSafe ACT

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Dear Mr Monk,  
Please find **attached** a letter to Mr Milligan MLA.  
Regards,

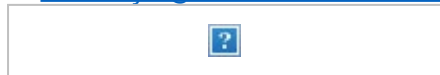
Aaron Guilfoyle

Special Counsel

T. +61 7 3031 9878

M. 0418 723 811

E. [AGuilfoyle@macdonnells.com.au](mailto:AGuilfoyle@macdonnells.com.au)



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**Our Ref:** AJG:AJG:220890

17 August 2022

Mr James Milligan MLA  
Chair, Select Committee on Estimates  
Legislative Assembly  
Civic Square, London Circuit  
GPO Box 1020  
Canberra ACT 2601

By Email: [David.Monk@parliament.act.gov.au](mailto:David.Monk@parliament.act.gov.au); [LACCommitteeEstimates@parliament.act.gov.au](mailto:LACCommitteeEstimates@parliament.act.gov.au)

Dear Mr Milligan,

**Submission to withdraw request for information**

1. We refer to our letter of 16 August 2022.
2. In your letter of 15 August 2022 to Work Health and Safety Commissioner Jacqueline Agius (**Commissioner Agius**) you advised the Select Committee on Estimates 2022-2023 (the **Select Committee**) resolved to 'request' that Commissioner Agius provide it with "the details of the complainant and the complaint" in relation to the Prohibition Notice issued on Friday 12 August 2022 ('PN 5068') by Inspector O'Connor.
3. You further advised of your view that a failure by Commissioner Agius to provide the requested information to the Select Committee may constitute contempt under Standing Order 277(h).
4. We requested yesterday that the Select Committee reconsider its position and resolve to withdraw the request. We have not received a response to that request.
5. We note that the Select Committee issued a statement late yesterday, which included the following:

"The Legislative Assembly yesterday agreed to establish a Select Committee on Privileges to inquire into this situation to understand if there has been a breach of privilege relating to the actions of the Work Health and Safety Commissioner and any other person and whether they have improperly interfered with the free exercise of the authority of the Select Committee on Estimates 2022-23 or breached any other privileges of the Assembly."

6. Further, we understand from recent media reporting that Select Committee hearings have been postponed until next week, in anticipation that the necessary steps to allow the Prohibition Notice to be lifted will be undertaken in the interim.

7. In light of the proposed establishment of a Select Committee on Privileges, the reported intention to address the issues raised in the Prohibition Notice, and for the reasons in our letter yesterday, we again request that the Select Committee resolve to withdraw the request made of Commissioner Agius.
8. Given the Select Committee has expressed a view that a failure to comply with the extant request may constitute contempt, this matter must be resolved as a matter of priority, in particular so as to avoid unnecessary costs being incurred by our client in preparation for anticipated litigation in the event the request of the Select Committee is not withdrawn.
9. We respectfully request that you respond no later than 12:00pm today.

Yours faithfully

**MacDonnells Law**



**Contact:** Aaron Guilfoyle  
**Position:** Special Counsel  
**Direct:** +61 7 3031 9878  
**Email:** [AGuilfoyle@macdonnells.com.au](mailto:AGuilfoyle@macdonnells.com.au)



**Mick Gentleman MLA**

Manager of Government Business  
Minister for Planning and Land Management  
Minister for Police and Emergency Services  
Minister for Corrections  
Minister for Industrial Relations and Workplace Safety

Member for Brindabella

---

**James Milligan MLA**

Chair  
Select Committee on Estimates 2022-23  
ACT Legislative Assembly  
CANBERRA ACT 2601  
By email: [LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au)

Dear Chair 

Thank you for your letter about Select Committee of Estimates 2022-2023 - Hearing Consultation and for the opportunity to provide feedback on the arrangements in place to manage the Estimates Hearings 2022-2023 in a COVID safe manner.

I have consulted with, and am responding on behalf of all Ministers.

I can confirm that Ministers have advised they will be available to attend hearings in person commencing from Monday 22 August, subject to compliance with quarantine and isolation requirements as directed by ACT Health.

To assist the functionality of the Committee process and the effectiveness of questioning, Ministers request that facilities be available for relevant ACTPS officials to appear online at the Hearings. Ministers consider this step would comply with the Prohibition Notice currently in force, given there would be no transmission risk to participants appearing in this way.

Ministers also advise that to assist the Committee they would be able to conduct quick consultation with relevant Directors-General and Deputy Directors-General to attend in person, when the Committee considers this possible.

---

ACT Legislative Assembly London Circuit, GPO Box 1020, Canberra ACT 2601

 +61 2 6205 0218  [gentleman@act.gov.au](mailto:gentleman@act.gov.au)

 @GENTLEMANMick  MickGentleman  mick.gentleman



Ministers further request that the Committee Secretariat provide indicative times for sections within portfolios, to allow the efficient attendance of Directors-General or Deputy Directors-General in person (when the Committee considers that possible) and other officials online.


For example, two hours were originally set down for the hearings on Economic Development and Tourism. If the Committee Secretariat was able to advise if that comprises approximately one hour for each section, it would practically assist any required movement in and out of the hearing room. Similarly, the portfolios of Water, Energy and Emissions reduction could require significant physical or online movement of officials, so indicative time splits would assist this process.

In addition to the above, I seek confirmation of the intent of the reference to 'statutory office holders' in your correspondence. I seek clarification from the Committee that this is limited to Officers of the Assembly, and is not intended to capture public servants who also hold statutory office positions.

I also note that due to the delay in the commencement of Hearings, and the necessary rescheduling of the first week, that the Committee Secretariat be mindful of pre-existing Ministerial commitments and travel in the course of Government duties. Could the Committee Secretariat please consult with Ministers on their availability before settling on appearance times.

Thank you for the opportunity to provide this feedback to make our hearings safe and productive. As noted previously, the Government stands ready to assist you in any way it can.

Yours sincerely

  
Mick Gentleman MLA  
Manager of Government Business

17/8/2022



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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**SELECT COMMITTEE ON ESTIMATES 2022-2023**

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair),  
Dr Marisa Paterson MLA

Ms Jacqueline Agius  
Work Health and Safety Commissioner  
WorkSafe ACT  
Canberra Nara Centre  
3 Constitution Avenue  
CANBERRA ACT 2601

By email: [Jacqueline.Agius@worksafe.act.gov.au](mailto:Jacqueline.Agius@worksafe.act.gov.au)  
[worksafe@worksafe.act.gov.au](mailto:worksafe@worksafe.act.gov.au)

Dear Ms Agius,

**Select Committee on Estimates 2022-2023—Breach of Standing Order 277**

I am writing to you in my capacity as Chair of the Select Committee on Estimates 2022-2023 (the Committee) in relation to my letter to you dated 15 August 2022.

In that letter I advised you that the Committee had resolved to request that you provide it with the details of the complaint and the complainant in relation to the prohibition notice dated 12 August 2022, by no later than 1pm, 15 August 2022. The Committee subsequently granted you extensions to comply with the request by close of business 16 August 2022.

The letter explained that the request was made pursuant to standing order 239, which provides: *A committee shall have power to send for persons, papers and records.* The letter also set out that failure to provide that information to the Committee may constitute a contempt under standing order 277 (h): *A person shall not, without reasonable excuse, disobey a lawful order of the Assembly or a committee.*

The Committee, noting you have disobeyed its lawful order, resolved today to refer the matter to the Speaker under standing order 276 (privilege and contempt).

If you wish to discuss this matter, please contact Dr David Monk, Senior Director Committee Support, and Secretary to the Committee.

Yours sincerely,

James Milligan MLA  
Chair

17 August 2022

**From:** [LA Committee - Estimates](#)  
**To:** [Speaker](#)  
**Cc:** [Gonczarek, Melinda](#); [Burch, Joy](#); [Duncan, Tom](#); [Agostino, Julia](#); [LA Committee - Estimates](#)  
**Subject:** Letter from Select Committee on Estimates 2022-2023 - Consultation Update  
**Date:** Thursday, 18 August 2022 2:37:00 PM  
**Attachments:** [Letter to Speaker - Update on Consultation.pdf](#)  
[image001.png](#)  
[Combined feedback.pdf](#)  
[OLA COVID-19 Risk Register V2.docx](#)

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Madam Speaker,

I write to you at the direction of the Select Committee on Estimates.

Please find attached to this email a letter from the Committee, as signed by its Chair, updating you on its consultations.

Yours,

**Samuel Thompson**

Committee Secretary | Committee Support Office | Parliamentary Support Branch

P (02) 620 50435 | E [SamuelR.Thompson@parliament.act.gov.au](mailto:SamuelR.Thompson@parliament.act.gov.au)



[www.parliament.act.gov.au](http://www.parliament.act.gov.au)



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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**SELECT COMMITTEE ON ESTIMATES 2022–2023**

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair),  
Dr Marisa Paterson MLA

Mr Mick Gentleman MLA  
Manager of Government Business  
Minister for Planning and Land Management  
Minister for Police and Emergency Services  
Minister for Corrections  
Minister for Industrial Relations and Workplace Safety

Dear Minister

**Hearing arrangements for the 2022–2023 Estimates**

Thank you for your letter of 17 August 2022 advising the Committee of your consultations with Government ministers in relation to the Committee's COVID risk assessment for the Estimates hearings.

The Committee welcomes your advice that Ministers will be available to attend hearings in person, subject to compliance with quarantine and isolation requirements.

We note your request that that facilities be available for relevant Public Service officials to appear online at the hearings. The Committee has deferred consideration of this request until the Prohibition Notice no longer applies.

The Committee has chosen to decline your request to provide indicative times for sections within portfolios. Noting the complexity of the administrative arrangements, the schedule has been designed to maximise opportunities for Members to ask questions and to prioritise topics on the day.

The Secretariat has started working with Ministers' offices in developing a new schedule for the week commencing 29 August 2022. The new schedule will accommodate Ministers' current commitments as far as practicable.

Yours sincerely,

James Milligan MLA  
Chair

18 August 2022

**Initial Information**

Inspection Number: 00131332  
Lead inspector: Brooke Grey      Inspector ID: P53115  
Is there any accompanying inspectors: Yes

Jackii Shepherd P48222

Type of visit: Reactive  
Date visit commenced: 19/08/2022  
Legislation visit conducted under: WHS  
Purpose of visit: COVID- 19

**Entity information**

Type of entity: Other  
Name of individual or registered company: Australian Capital Territory  
Trading as: Legislative Assembly for the Australian Capital Territory  
ACN:  
ABN: 0  
Industry Group: Government  
Address: 196 London Circuit, Canberra, ACT

Contact Name: Joy Burch  
Contact Number:  
Contact Email: burch@parliament.act.gov.au

**Details of visit**

Address: 196 London Circuit, Canberra, ACT  
Notification of entry to (as required by s164): Other  
Were any potential breaches of the legislation identified? No

Inspector notes:

At 10:20am on 19 August 2002, Inspectors Jackii Shepherd and Brooke Grey attended the Legislative Assembly of the Australian Capital Territory, 196 London Circuit, Canberra ACT 2061 for the purpose of conducting a workplace visit in relation to Prohibition Notice N-000005078 issued on 15 August 2022. The Prohibition Notice required a risk assessment, control measures in line with the hierarchy of control and consultation to be undertaken for committee hearings at the Legislative Assembly where participants were required to attend in person. The Prohibition Notice did not restrict or prohibit the virtual/remote conduct of the committee hearings including the Estimates Hearings 2022-23.

Inspectors met with the following persons –

- Julia Agostino, Acting Clerk
- Rachel Turner, Executive Manager, Business Support
- Melinda Gonczarek, Chief of Staff (Speaker)

We observed a risk register which encompassed a risk assessment with reference to the hierarchy of control and note reference to virtual meetings/ remote attendance at the Estimates Hearing 2022-23 as a control measure. A copy of the ventilation report titled "Indoor Air Quality Assessment November 2021" was provided by Rachel Turner via email dated 19 August 2022.

We observed signage throughout the workplace requiring physical distancing and room limits, hand washing and mask wearing

We note that consultation was undertaken with proposed attendees of the Estimates Hearing 2022-23 and feedback provided by respective director generals who are required to consult with their respective staff members who may be attending the Estimates Hearing 2022-23. We discussed the requirement for feedback provided by the respondents to be taken into consideration by the Committee. We were advised that the Committee deliberated on the feedback from invited witnesses (ministers, officers of the Assembly and statutory office holders) and took it into consideration.

Based upon our observations, the risk associated with Prohibition Notice N-000005078 has been remedied as far as reasonably practicable.

The workplace visit concluded at 10:45am.

*Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.*

### **Previous action**

Previous notice/s issued (either written or verbal)? Yes

Type of notice: Prohibition

### **Contacts**

Lead inspector email address: brooke.grey@worksafe.act.gov.au

### **Recipient/s of this form**

Email: burch@parliament.act.gov.au

Email 2: speaker@parliament.act.gov.au

Privacy Notice: The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'Wlth) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisation that have legal authority to request information under prescribed circumstances.



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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**SELECT COMMITTEE ON ESTIMATES 2022-2023**

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair), Dr Marisa Paterson MLA

Mr Mick Gentleman MLA  
Manager of Government Business  
Legislative Assembly for the ACT  
GPO Box 1020  
CANBERRA ACT 2601

Dear Minister,

**2022-23 Budget Estimates Hearings**

On 18 August 2022, the Chair of the Select Committee on Estimates 2022-2023 (Committee) wrote to the Speaker of the Legislative Assembly in accordance with standing order 276.

The matter relates to false reporting in a letter, dated 16 August 2022, from yourself to the Committee, which was also distributed to Ministers' Chiefs of Staff. The Committee deems this misinformation and its dissemination an interference with an Assembly Committee and, in turn, a breach of standing order 277.

The request for the Speaker to inquire into these breaches of the standing order is informed by the Committee's obligation to ensure the integrity of the Estimates process.

Yours sincerely,

  
James Milligan MLA  
Chair  
19 August 2022



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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SELECT COMMITTEE ON ESTIMATES 2022-2023

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair),  
Dr Marisa Paterson MLA

Mr Mick Gentleman MLA  
Minister for Planning and Land Management  
Minister for Police and Emergency Services  
Minister for Corrections  
Minister for Industrial Relations and Workplace Safety  
Legislative Assembly for the ACT  
London Circuit  
CANBERRA ACT 2601

Dear Minister,

**Estimates 2022-23 Hearings - amended**

I refer to my previous correspondence with details of your appearance before the Select Committee on Estimates 2022-23. Following continuation of the WorkSafe ACT prohibition notice, the Committee has had to further amend the hearing schedule for the Select Committee on Estimates 2022-23.

Now that the prohibition notice has been remedied, the Committee would like to invite you and your officials to attend as follows:

Date	Time	Portfolio
Monday 29 August 2022	4.30pm – 5.30pm	Minister for Policing and Emergency Services (Policing)
Thursday 1 September 2022	9.30am – 10.45am	Minister for Corrections
Thursday 1 September 2022	11.00am – 11.50am	Minister for Policing and Emergency Services (Emergency Services)
Thursday 1 September 2022	11.50am – 12.40pm	Minister for Industrial Relations and Workplace Safety
Thursday 1 September 2022	1.30pm – 3.00pm	Minister for Planning and Land Management

Witnesses will be able to attend in person in the Chamber or Webex for those who can't attend in person. Witnesses attending in person will need to follow the Assembly's COVID safety arrangements noting that the COVID safe limit in the Chamber is 150 people. There will be 12 seats for witnesses in the Chamber and 18 general purpose seats in the gallery.



If there are any questions your officials can contact Kathleen de Kleuver on (02) 6207 0524 or at [LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au).

Yours sincerely,



James Milligan MLA  
Chair  
19 August 2022



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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**SELECT COMMITTEE ON ESTIMATES 2022-2023**

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair), Dr Marisa Paterson MLA

Mr Mick Gentleman MLA  
Manager of Government Business  
Legislative Assembly for the ACT  
GPO Box 1020  
CANBERRA ACT 2601

Dear Minister,

**2022-23 Budget Estimates Hearings**

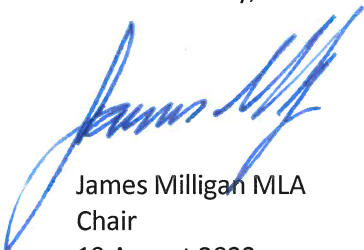
I write to you in my capacity as Chair of the Select Committee on Estimates 2022-2023.

On 18 August 2022 I wrote to you advising that the Committee had deferred consideration of whether to permit the attendance of supporting officials at Estimates hearings until the Prohibition Notice had been lifted. As you will be aware, this condition has now been met.

The Committee met today and has reaffirmed its commitment to delivering Estimates hearings by a hybrid model. Hearings will be conducted in the Chamber, with the attendance of Ministers to be in person. The Committee welcomes the attendance of supporting officials. In line with today's proposal from your office the Committee will prepare for the attendance of Directors-General and Deputy Directors-General to be in person (online available to those that have COVID-19 or are vulnerable to COVID-19). The Committee notes the attendance of those officials at lower classifications online via Webex, and welcomes their attendance in person, if they prefer.

The Committee will be enforcing COVID-19 safety measures in the Chamber. The Chamber has a maximum overall capacity of 150 people under current measures. However, the Chamber will be set up to allow for the attendance of 12 witnesses seated at chamber benches, with an additional 18 seats in the galleries for alternate witnesses and members of the public.

Yours sincerely,



James Milligan MLA  
Chair  
19 August 2022

**From:** [Kandola, Shobaz](#)  
**To:** [LA Committee - Estimates](#)  
**Cc:** [GENTLEMAN](#)  
**Subject:** RE: Letter from Select Committee on Estimates 2022-2023  
**Date:** Friday, 19 August 2022 1:04:24 PM  
**Attachments:** [image001.png](#)  
[Letter from Chair to Minister Gentleman \(18 August 2022\).pdf](#)  
[image002.png](#)  
[image003.jpg](#)

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Dear Committee Secretary

Minister Gentleman has asked me to follow upon the attached correspondence.

Given discussions around a hybrid model, would the Committee permit this to be in place for Monday should the WorkSafe prohibition notice be lifted today? i.e. Ministers plus Directors-General attending in person (Deputy Directors-General as required in person), with all other Officials attending online? In relation to this model, the Minister has asked me to convey that the Executive have consulted with Officials about these arrangements, including those that would be required to attend in person. This was done consistent with the undertaking provided in an earlier letter from Minister Gentleman. No concerns have been raised by the Service regarding this hybrid arrangement.

Many thanks for your assistance in obtaining advice from the Committee regarding the above.

Kind regards

**Shobaz Kandola**

Chief of Staff

**Office of Minister Mick Gentleman MLA**

ACT Government



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**From:** LA Committee - Estimates <[LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au)>

**Sent:** Thursday, August 18, 2022 4:33 pm

**To:** GENTLEMAN <[GENTLEMAN@act.gov.au](mailto:GENTLEMAN@act.gov.au)>

**Cc:** Gentleman, Mick <[Mick.Gentleman@act.gov.au](mailto:Mick.Gentleman@act.gov.au)>; LA Committee - Estimates <[LACommitteeEstimates@parliament.act.gov.au](mailto:LACommitteeEstimates@parliament.act.gov.au)>

**Subject:** Letter from Select Committee on Estimates 2022-2023

Minister Gentleman,

I write to you at the direction of the Select Committee on Estimates 2022-2023.

Please find attached to this email a letter from the Committee, as signed by its Chair, regarding Estimates Hearings.

Yours,

**Samuel Thompson**

Committee Secretary | Committee Support Office | Parliamentary Support Branch

P (02) 620 50435 | E [SamuelR.Thompson@parliament.act.gov.au](mailto:SamuelR.Thompson@parliament.act.gov.au)



