



**Legislative Assembly for the
Australian Capital Territory**

Standing Committee on Public Accounts

Inquiry into Auditor-General's Performance Audit Reports January–June 2023

Legislative Assembly for the Australian Capital Territory
Standing Committee on Public Accounts

Approved for publication

Report 23
10th Assembly
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About the committee

Establishing resolution

The Assembly established the Standing Committee on Public Accounts on 2 December 2020.

The Committee is responsible for the following areas:

- ACT Auditor-General
- Office of the Legislative Assembly
- Accounts of the receipts and expenditure of the ACT and its authorities
- All reports of the Auditor-General which have been presented to the Assembly

You can read the full establishing resolution [on our website](#).

Committee members

Ms Elizabeth Kikkert MLA, Chair (until 13 December 2023)

Mr Ed Cocks MLA, Chair (member from 13 December 2023, Chair from 31 January 2024)

Mr Michael Pettersson MLA, Deputy Chair

Mr Andrew Braddock MLA

Secretariat

Sophie Milne, Committee Secretary

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About this inquiry

The Assembly's Resolution of Appointment for the Standing Committee on Public Accounts (the Committee) of 2 December 2020, provides that:

(6) all reports of the ACT Auditor-General tabled in the Assembly stand referred to the Standing Committee on Public Accounts for inquiry and report;

It follows that Terms of Reference for each of the Standing Committee's inquiries into Auditor-General's performance audit reports are, in effect, the Auditor-General's report itself.

At its meeting on 16 August 2023, the Committee resolved to undertake an inquiry into all Auditor-General's performance audit reports published between 1 January and 30 June 2023.

Terms of Reference

The Standing Committee on Public Accounts will inquire into and report on matters relating to the Government response to performance audit recommendations made in Auditor-General report:

- No 1/2023 – Construction Occupations Licensing;
- No 2/2023 – Management of Operation Reboot (Outpatients);
- No 3/2023 – Financial Management Services for Protected Persons;
- No 4/2023 – Procurement of a Hybrid Electric Fire Truck; and
- any other related matter.

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Acronyms & Abbreviations

Acronym or Abbreviation	Long form
ACAT	ACT Civil and Administrative Tribunal
ACT	Australian Capital Territory
CHS	Canberra Health Services
COVID-19	Coronavirus Disease 2019, caused by the novel coronavirus SARS-CoV-2
CRM	Customer Relationship Management (system)
ESA	Emergency Services Agency
FMSU	Financial Management Services Unit
JACS	Justice and Community Safety Directorate
ICT	Information and Communications Technology
MLA	Member of the Legislative Assembly
No	number
PTG	Public Trustee and Guardian
VFM	Value for money

Recommendations

Recommendation 1

The Committee recommends that the ACT Government provide the Assembly with an update on the implementation of the audit recommendations before the end of the 10th Assembly.

Recommendation 2

The Committee recommends that the ACT Government allocate the necessary funding in the 2024–2025 budget for Access Canberra to continue to improve the processes for construction licensing, as identified by the Auditor-General and internal Government reviews.

Recommendation 3

The Committee recommends that the ACT Government publish the results of the independent audit into Canberra Health Services procurement and contracting.

Recommendation 4

The Committee recommends that the ACT Government provide the Assembly with an update on the Public Trustee and Guardian’s revised Conflicts of Interest policy and approach and a schedule for further regular reviews of this policy to ensure it continues to be fit for purpose.

Recommendation 5

The Committee recommends that the ACT Government provide the Assembly with an update on the Public Trustee and Guardian’s complaint management arrangements.

Recommendation 6

The Committee recommends that the ACT Government:

- review the claims made in the submission by the United Firefighters Union of Australia (ACT Branch) and undertake an investigation to determine whether there were any breaches of the *ACT Public Service Code of Conduct*;
- refer any breaches to the ACT Public Sector Standards Commissioner; and
- in the interests of transparency, provide details of this review in the ACT Government’s response to this inquiry.

Recommendation 7

The Committee recommends that the ACT Government update the Assembly when the hybrid electric fire truck becomes fully operational.

Recommendation 8

The Committee recommends that the ACT Government ensure that future procurement by ESA is properly researched and that this research is appropriately documented and demonstrated.

Recommendation 9

The Committee recommends that the ACT Government provide evidence to the Assembly that all procurements by the Emergency Services Agency since the hybrid electric fire truck have undergone a value-for-money assessment as required by section 22A of the Government Procurement Act 2001.

Recommendation 10

The Committee recommends that the ACT Government ensure that:

- appropriate record keeping and handover protocols are in place in the Emergency Services Agency to preserve essential corporate knowledge in the event of staff turnover; and
- directorate staff are suitably prepared to answer committee questions during public hearings.

1. Conduct of the inquiry

- 1.1. The Committee received two submissions in this inquiry, which are listed in [Appendix A](#).
- 1.2. The Committee held public hearings on Wednesday, 8 November 2023 and Thursday, 9 November 2023. Witnesses who appeared at the hearings are listed in [Appendix B](#).
- 1.3. The Committee had 24 Questions Taken on Notice during the public hearings. These are listed in [Appendix C](#).
- 1.4. Committees began collecting information on the gender of witnesses in April 2023, in response to an audit by the Commonwealth Parliamentary Association. The aim is to determine whether committee inquiries are meeting the needs of, and allowing the participation of, a range of genders in the community. Participation is voluntary and there are no set responses. A table showing the distribution of witness gender is in [Appendix D](#).

2. Auditor-General's Performance Audit Report No. 1/2023: Construction Occupations Licensing

Audit report

- 2.1. Under the *Constructions Occupations (Licensing) Act 2004*, construction workers in the ACT must be licensed to carry out work such as building, plumbing, gasfitting, and so on.¹ These licenses are issued and managed by Access Canberra, under the statutory authority of the Construction Occupations Registrar.²
- 2.2. The performance audit considered the effectiveness of Access Canberra's management of the licensing arrangements, particularly in relation to:
- license application processing;
 - administrative arrangements; and
 - license applications through mutual recognition.³
- 2.3. The audit found that assessment processes for license applications were mature but did identify some specific opportunities for improvement. These related to clarity of requirements, improved consistency in assessment, and implementing an assurance process to check declarations made by applicants.⁴
- 2.4. The other two areas which the audit considered were not found to be so well managed. The administration of the licenses relied on two non-integrated computer systems, one in which applicants entered their personal data, and one which held licensees' history and was used to print licence cards. There was no ability to import, export or validate data between the two systems. Data transfer was a manual process.⁵ The Audit Office described this system as 'inefficient' and a risk to the accuracy of data used for making decisions.⁶
- 2.5. Mr Brett Stanton, Acting Auditor-General, confirmed that the audit found instances where a licensee's information on one computer system did not match their information on the second computer system, possibly due to transcription error.⁷
- 2.6. Mutual recognition of construction licences refers to the pathway for construction workers who hold a licence in one jurisdiction to be granted an 'equivalent' licence in other jurisdictions. This practice is legislated nation-wide by the *Mutual Recognition Act 1992* (Cth).⁸ Requirements to obtain a licence can differ across different states and territories, and requirements in some jurisdictions may not be as stringent as those in the ACT. The Audit Office identified an opportunity for practitioners to gain a licence in one jurisdiction

¹ *Construction Occupations (Licensing) Act 2004*, ss 84(1) and s 7.

² ACT Audit Office, *Performance Audit Report No. 1/2023 – Construction Occupations Licensing*, p 1.

³ ACT Audit Office, *Performance Audit Report No. 1/2023*, pp 1–2.

⁴ ACT Audit Office, *Performance Audit Report No. 1/2023*, p 41.

⁵ ACT Audit Office, *Performance Audit Report No. 1/2023*, pp 24–27.

⁶ ACT Audit Office, *Performance Audit Report No. 1/2023*, p 28.

⁷ Mr Brett Stanton, Acting Auditor-General, *Committee Hansard*, 8 November 2023, pp 4–5.

⁸ *Mutual Recognition Act 1992* (Cth).

and take advantage of the mutual recognition scheme to then be licensed in the ACT without the qualifications and experience that would otherwise be required. This process is known as ‘shopping and hopping.’ The Audit Office said this could present a risk to the integrity of construction occupation licencing in the ACT.⁹

2.7. Mr Stanton explained this risk as follows:

The issue with shopping and hopping is that it does create a bit of an opportunity across jurisdictions for people to obtain a licence in one jurisdiction in order to practice in their own home jurisdiction, where they might not meet the requirements in their home jurisdiction. You might want to be a class A builder in one jurisdiction or in your home jurisdiction. You might not meet the requirements in your home jurisdiction, but you might meet the requirements in another jurisdiction.¹⁰

2.8. The report made 13 recommendations, covering information systems strategy, policies and procedures, self-approval of applications, management information reporting, qualification and skills assessment, applicant declarations, and mutual recognition.¹¹

Government response

2.9. The ACT Government’s response to the Auditor-General’s report, dated July 2023, was tabled in the Legislative Assembly on 19 August 2023. The Government commented that:

Access Canberra remains committed to strengthening its regulatory framework to ensure the standard of construction professionals meets community expectations and consumer and industry standards.¹²

2.10. In the response, the ACT Government agreed to the following Auditor-General recommendations and indicated that actions to implement them would be completed by March 2024:

- Recommendation 3: that Access Canberra should review the risks associated with officers assessing and approving licence applications, and if the practice is to continue, develop and implement policy guidance and a quality assurance process;
- Recommendation 6: that Access Canberra should review and update, via a Ministerial declaration, the minimum tertiary qualifications required for licence occupations;
- Recommendation 7: that Access Canberra should develop policy and procedures for the documentation of skills assessments made through interviews;
- Recommendation 8: that Access Canberra should develop policy and procedures for applicants’ proof of identity;

⁹ ACT Audit Office, *Performance Audit Report No. 1/2023*, p 69.

¹⁰ Mr Brett Stanton, Acting Auditor-General, *Committee Hansard*, 8 November 2023, pp 2-3.

¹¹ ACT Audit Office, *Performance Audit Report No. 1/2023*, pp 6-8.

¹² ACT Government, *Auditor-General Report No. 1 – Construction Occupations Licensing - Government Response*, July 2023, p 1.

- Recommendation 9: that Access Canberra should develop and implement a quality assurance process for licence applications; and
- Recommendation 11: that Access Canberra should use quality assurance methods to measure the performance of assessment procedures.¹³

2.11. All other recommendations made by the Auditor-General in the report were agreed in principle. This includes Recommendation 1, which addressed the issue of the two non-integrated computer systems. The response said that Access Canberra was exploring options to develop a fit-for-purpose ICT (Information and Communications Technology) solution for administering occupation licenses, and that implementation of this would depend on future budget considerations.¹⁴

Public Hearing

2.12. During the hearing on 9 November 2023, the Committee was told that the design process for a new ICT system was due to be completed in the first quarter of 2024. Access Canberra would use the findings from the design process to inform a business case for funding for a new ICT system in the 2024–2025 budget.¹⁵

2.13. The Minister for Business and Better Regulation assured the Committee that policies and procedures were underway to improve the administration of construction occupations licensing in addition to the project of updating the ICT system.¹⁶ Mr Nick Lhuede, the Construction Occupations Registrar, explained that this process would also address data entry errors:

Those issues of errors can occur really on both sides. It is input by the applicant, so, in terms of our systems, it is about making sure that we, as best as we can obviously, provide the systems, the mechanisms and the data input that can ensure that what [applicants] are providing is correct.¹⁷

Committee comment

2.14. The Committee is pleased to see the ACT Government’s commitment to strengthening its regulatory framework for construction occupation licencing. As the expected timeframe for implementation of several of the Auditor-General’s recommendations has now passed, the Committee considers it timely that the ACT Government provide the Assembly with an update on progress towards these goals.

¹³ ACT Government, *Auditor-General Report No. 1 – Construction Occupations Licensing - Government Response*, July 2023, pp 3, 5, 6.

¹⁴ ACT Government, *Auditor-General Report No. 1 – Government Response*, July 2023, p 3.

¹⁵ Mr Nick Lhuede, Executive Branch Manager and Construction Occupations Registrar, Construction, Utilities and Environment Protection, Access Canberra, *Committee Hansard*, 9 November 2023, p 88.

¹⁶ Ms Tara Cheyne MLA, Minister for Business and Better Regulation, *Committee Hansard*, 9 November 2023, p 89.

¹⁷ Mr Nick Lhuede, Executive Branch Manager and Construction Occupations Registrar, Construction, Utilities and Environment Protection, Access Canberra, *Committee Hansard*, 9 November 2023, p 90.

Recommendation 1

The Committee recommends that the ACT Government provide the Assembly with an update on the implementation of the audit recommendations before the end of the 10th Assembly.

- 2.15. The Committee notes that most of the Auditor-General's recommendations to which the ACT Government agreed in principle were 'subject to future budget consideration,' including the implementation of a new ICT system.¹⁸
- 2.16. The Committee considers that it is important that construction occupation licensing meets community and industry expectations and that community confidence in construction professionals be maintained.

Recommendation 2

The Committee recommends that the ACT Government allocate the necessary funding in the 2024–2025 budget for Access Canberra to continue to improve the processes for construction licensing, as identified by the Auditor-General and internal Government reviews.

¹⁸ ACT Government, *Auditor-General Report No. 1 –Government Response*, July 2023, pp 3, 4, 6.

3. Auditor-General's Performance Audit Report No. 2/2023: Management of Operation Reboot (Outpatients)

Audit report

- 3.1. In July 2020, following the initial disruption from the COVID-19 pandemic, the ACT Government announced a swathe of budget measures to bolster public health services named 'Operation Reboot'.¹⁹ As part of this initiative, Canberra Health Services (CHS) received \$3.5 million from the ACT Government to provide 14,000 specialist outpatient appointments.²⁰ By the conclusion of 'Operation Reboot' in June the following year, over \$2 million of this budget remained unspent and was re-allocated to other health services.²¹ Only 6,132, or 43.8 percent, of the targeted appointments had been provided.²²
- 3.2. The Auditor-General's audit found that planning for Operation Reboot (Outpatients) had been compromised by a focus on the rapid roll-out of the project and that this led to inefficiencies in its implementation.²³
- 3.3. The method used to calculate the target number of appointments was identified as a primary example of this ineffective planning. Operation Reboot (Outpatients) intended to address the increase in outpatient waitlists that had occurred because of the pandemic. Outpatient appointments vary by specialty and urgency, and the increase in wait times had not occurred evenly across all services.²⁴ The target of 14,000 required appointments was calculated using data from January 2020, which pre-dated the disruption caused by COVID-19, and did not take into account the differences in wait times between the different types of appointments. Overall, the report found that this assessment of the required number of additional appointments showed 'a lack of macro planning and general confusion around the 14,000 figure.'²⁵
- 3.4. The Audit Office also observed that no project management plan or risk management plan was developed once the project had started. The lack of these plans meant that CHS was not able to manage risks effectively during the project's implementation.²⁶
- 3.5. The project faced internal staffing shortages²⁷ and significant variability in the types of appointments which were realised by CHS services.²⁸ For example, 2.7 percent of the target

¹⁹ ACT Audit Office, *Performance Audit Report No. 2/2023 – Management of Operation Reboot (Outpatients)*, June 2023, p 13.

²⁰ ACT Audit Office, *Performance Audit Report No. 2/2023*, June 2023, p 1.

²¹ ACT Audit Office, *Performance Audit Report No. 2/2023*, June 2023, p 13.

²² ACT Audit Office, *Performance Audit Report No. 2/2023*, June 2023, p 1.

²³ ACT Audit Office, *Performance Audit Report No. 2/2023*, June 2023, p 1.

²⁴ ACT Audit Office, *Performance Audit Report No. 2/2023*, June 2023, p 28.

²⁵ ACT Audit Office, *Performance Audit Report No. 2/2023*, June 2023, p 24 and 31.

²⁶ ACT Audit Office, *Performance Audit Report No. 2/2023*, June 2023, p 1.

²⁷ ACT Audit Office, *Performance Audit Report No. 2/2023*, June 2023, p 34.

²⁸ ACT Audit Office, *Performance Audit Report No. 2/2023*, June 2023, p 52.

number of respiratory appointments were fulfilled, compared to 227 percent for genetics appointments.²⁹

- 3.6. The audit also identified ‘significant limitations’ in the procurement process to source external appointment providers, including a lack of documented assessment of expressions of interest and the engagement of providers who had not submitted expressions of interest.³⁰ Ultimately, the report judged that:

Significant effort was expended on engaging external providers, for very little return.³¹

- 3.7. The report found the monitoring and reporting arrangements of Operation Reboot (Outpatients) to be partially effective.³² The governance bodies who oversaw the project had access to a bespoke online Reboot Dashboard that provided clear insights on the approximate number and sources of additional appointments provided, however the report found that it was ‘not best suited to project-related decision making.’³³
- 3.8. The report made two recommendations: that CHS should ensure that lessons learned from Operation Reboot (Outpatients) inform planning for future emergency response; and that CHS should review procurement practices to ensure that future procurement is supported by consistent and rigorous evaluation and detailed record-keeping.³⁴

Government response

- 3.9. The ACT Government agreed to both recommendations made in the Auditor-General’s report.
- 3.10. The government advised that CHS had developed resources to assist in planning, management, and control of projects. These resources were available on the CHS intranet and could be adapted to support any future emergency response scenario.³⁵
- 3.11. The Government also advised that CHS had reviewed its procurement practices and established standardised procurement approaches which had been endorsed by the CHS Procurement Committee and included advice from the Executive Group Manager of Procurement ACT. As well as revised procurement and tender protocols, CHS had introduced a revised financial delegations scheme with greater emphasis on procurement legislation, systems and process compliance, and training.³⁶
- 3.12. The Chief Executive Officer, Canberra Health Services, Mr Dave Pepper, explained this scheme to the Committee at the public hearing on 8 November 2023:

²⁹ ACT Audit Office, *Performance Audit Report No. 2/2023*, June 2023, p 52.

³⁰ ACT Audit Office, *Performance Audit Report No. 2/2023*, June 2023, p 43.

³¹ ACT Audit Office, *Performance Audit Report No. 2/2023*, June 2023, p 43.

³² ACT Audit Office, *Performance Audit Report No. 2/2023*, June 2023, p 69.

³³ ACT Audit Office, *Performance Audit Report No. 2/2023*, June 2023, p 69.

³⁴ ACT Audit Office, *Performance Audit Report No. 2/2023*, June 2023, p 8.

³⁵ ACT Government, *Auditor-General Report No. 2 2023 – Management of Operation Reboot (Outpatients) – Government Response*, September 2023, p 1.

³⁶ ACT Government, *Auditor-General Report No. 2 2023 – Management of Operation Reboot (Outpatients) – Government Response*, September 2023, pp 1–2.

It is a delegations manual that goes into a level of detail that is quite enormous. Complementary to that, as people are given delegations to exercise decision-making within the entity, we support them with training and with guidance and other material. As a direct result of Operation Reboot and the Auditor-General's findings, we have done quite extensive work in terms of investing time and effort into putting together some simple, easy-to-use guides and documentation for our workforce, as they work through either procurements or spending money through contracts.³⁷

- 3.13. The Government also advised that an independent audit to review CHS procurement and contracting was underway, with a focus on identifying opportunities to improve procurement compliance.³⁸
- 3.14. The Committee was told at the hearing that despite the flaws of Operation Reboot, the project did result in improvements to outpatient services which continue to have effects today. For example, an increase in appointments has been able to be sustained in the fields of rheumatology and gynaecology.³⁹
- 3.15. The Minister for Health also specifically pointed to the successful reduction of the ENT (Ear Nose and Throat) waitlist for Aboriginal and Torres Strait Islander paediatric patients. Government health service providers worked with Aboriginal liaison officers to successfully book appointments for 52 out of 55 of the children on the waitlist, and this approach has now been scaled to cover all types of outpatient appointments.⁴⁰

Committee comment

- 3.16. The Committee acknowledges the challenges faced by health services during the height of the COVID-19 pandemic and considers that the ACT Government should publish the results of the independent audit into procurement and contracting.

Recommendation 3

The Committee recommends that the ACT Government publish the results of the independent audit into Canberra Health Services procurement and contracting.

³⁷ Mr Dave Pepper, Chief Executive Officer, Canberra Health Services, *Committee Hansard*, 8 November 2023, p 53.

³⁸ ACT Government, *Auditor-General Report No. 2 2023 - Management of Operation Reboot (Outpatients) – Government Response*, September 2023, p 4.

³⁹ Ms Cathie O'Neill, Deputy Director-General, Northside Hospital Transition Project, Canberra Health Services, *Committee Hansard*, 8 November 2023, p 55.

⁴⁰ Ms Rachel Stephen-Smith MLA, Minister for Health, *Committee Hansard*, 8 November 2023, pp 59–60.

4. Auditor-General's Performance Audit Report No. 3/2023: Financial Management Services for Protected Persons

Audit report

- 4.1. The Public Trustee and Guardian (PTG) is a territory authority established by legislation to support vulnerable members of the community who require assistance in managing their lives. If a person cannot manage their own affairs due to illness, accident, age or disability, and does not have an enduring power of attorney in place, the ACT Civil and Administrative Tribunal (ACAT) may appoint a financial manager to look after all or some of that person's finances on their behalf. This financial manager may be the PTG or another person – a private manager. The PTG is responsible for examining financial accounts submitted by private managers and reporting the outcomes to ACAT. People for whom financial managers are appointed are referred to as protected persons.⁴¹
- 4.2. The performance audit considered the activities of the PTG to:
- Provide financial management services to protected persons, including PTG staff training, fraud prevention arrangements, complaints processes, communication with protected persons or their caregivers, and fees charged; and
 - Examine the accounts submitted by private financial managers, including systems and processes to examine these accounts, and the fees charged for doing so.⁴²
- 4.3. The audit did not consider activities in relation to guardianship services, financial management services for people whose finances are managed under enduring powers of attorney, or the appropriateness of financial decisions made by the PTG or private managers.⁴³ Nor did it review staff competencies at the PTG.⁴⁴
- 4.4. The audit team interviewed and had discussions with key PTG staff and reviewed a selection of protected persons' case files;⁴⁵ they did not speak with PTG clients or private managers.⁴⁶
- 4.5. The Performance Audit Report identified several shortcomings across a range of governance, administrative and service delivery arrangements, and said that the PTG's processes to provide financial management services to protected persons had been 'poor'.⁴⁷
- 4.6. The Audit Office identified the information management systems used to deliver services as a key issue and business continuity risk for the PTG. The trust accounting system TACT, a

⁴¹ ACT Audit Office, *ACT Auditor-General's Report No 3/2023*, June 2023, p 1.

⁴² ACT Audit Office, *ACT Auditor-General's Report No 3/2023*, June 2023, pp 19–20.

⁴³ ACT Audit Office, *ACT Auditor-General's Report No 3/2023*, June 2023, p 20.

⁴⁴ Mr Brett Stanton, Acting Auditor-General, *Committee Hansard*, 8 November 2023, p 12.

⁴⁵ ACT Audit Office, *ACT Auditor-General's Report No 3/2023*, June 2023, p 21.

⁴⁶ Mr Brett Stanton, Acting Auditor-General, *Committee Hansard*, 8 November 2023, p 11.

⁴⁷ ACT Audit Office, *ACT Auditor-General's Report No 3/2023*, June 2023, p 1.

specialist industry application which records data such as a protected person's income, expenses, assets and liabilities, is very dated and expensive to maintain and support. Development of a Microsoft Dynamic system, sometimes described as a Customer Relationship Management (CRM) system, had started in 2017 but ceased while a review was undertaken. The Audit Office indicated that developing a strategy for managing its information systems should be a priority for the PTG.⁴⁸ The Committee heard during the public hearing on 8 November 2023 that the Audit Office was undertaking a further audit of the PTG in relation to the CRM system.⁴⁹

- 4.7. The report also described the PTG's fraud control and risk management arrangements as 'poor'. The PTG's *Fraud, Corruption and Risk Mitigation Strategy* was 'ineffective', contained outdated and incorrect references, and was not consistent with current ACT Public Sector practice. The report said that the PTG's risk register was similarly ineffective.⁵⁰
- 4.8. The Audit Office noted that the PTG's *Conflict of Interests* policy had been developed in 2017 and has not been updated. In June 2022, the Register of Conflicts of Interests had recorded 12 conflicts, 'ranging in nature from personal relationships to prior employment'. The policy did not specify how often the register should be reviewed and updated, and more recent entries did not include a declaration date.⁵¹
- 4.9. The report said that the PTG's complaints and feedback processes were ineffective. It observed that the PTG collected information about complaints, but not in such a way as to allow analysis of systemic issues. There was not a single register for complaints to record the nature of each complaint, the service it related to, and the outcome of the complaint.⁵²
- 4.10. In addition, while the PTG's *Complaints Policy* referred to a Complaints Coordinator, the Audit Office observed that such a role did not exist in the office, and that in practice the Public Trustee and Guardian had responded personally to complaints that were not immediately resolved.⁵³
- 4.11. Private managers of protected persons' funds are required to lodge annual accounts with the PTG every year. The Audit Office found that the PTG was ineffective in its examination of these accounts. In three of the five years to 2021-22, the PTG had significantly fallen short of expectations for the number of examinations of accounts, with shortfalls of between 17 and 40 percent.⁵⁴
- 4.12. Furthermore, while the number of protected persons with private managers had steadily increased since 2017, the number of accounts submitted by private managers had decreased. The Audit Office observed that this difference suggested an 'increasing lack of compliance' by private managers in meeting their reporting obligations.⁵⁵

⁴⁸ ACT Audit Office, *ACT Auditor-General's Report No 3/2023*, June 2023, p 23.

⁴⁹ Mr Brett Stanton, Acting Auditor-General, *Committee Hansard*, 8 November 2023, p 10.

⁵⁰ ACT Audit Office, *ACT Auditor-General's Report No 3/2023*, June 2023, p 23.

⁵¹ ACT Audit Office, *ACT Auditor-General's Report No 3/2023*, June 2023, pp 38–39.

⁵² ACT Audit Office, *ACT Auditor-General's Report No 3/2023*, June 2023, p 73.

⁵³ ACT Audit Office, *ACT Auditor-General's Report No 3/2023*, June 2023, p 75.

⁵⁴ ACT Audit Office, *ACT Auditor-General's Report No 3/2023*, June 2023, p 83.

⁵⁵ ACT Audit Office, *ACT Auditor-General's Report No 3/2023*, June 2023, pp 92–93.

- 4.13. Meanwhile, for those protected persons whose funds were managed directly by the PTG, the performance audit found that the requirement for the PTG to provide an annual itemised statement at the end of each financial year had not always been met. Of 24 case files reviewed by the ACT Audit Office, 11 had no itemised statement and in four of those cases no documentation was provided to give a reason for the lack of a statement:

Now, a statement might not be provided if, for example, the person is not competent to read or understand or take on that information, and otherwise does not have anyone in their life that might actually do so on their behalf. So that is a reason why the statement might not be provided, but if that is the case, we would be looking for that to be documented in the file, on every occasion, and we could not see a reason for four of those cases.⁵⁶

- 4.14. The report made seventeen recommendations, covering: updating of manuals, policies and registers including the *Conflict of Interests* policy and processes for examining accounts submitted by private managers; reviews of information management system requirements, case files and costs; management of potential misconduct allegations; assessment of decision-making capability; client consultation; annual statements; complaint management processes; service delivery evaluation; and clarification of roles.⁵⁷

Government response

- 4.15. The ACT Government agreed or agreed in principle to all recommendations made by the Auditor-General. The Attorney-General advised in the Government Response to the report, dated October 2023, that implementation of seven of the recommendations had already been completed. These were:

- Recommendation 1: to review and update the Financial Management Services Unit (FMSU) Manual on at least an annual basis;
- Recommendation 5: to ensure that Preliminary Assessments are conducted in accordance with the relevant ACT Public Sector Administrative and Related Classifications Enterprise Agreement and the ACT Public Sector Standards Commissioner's Guidelines to the Misconduct Process, particularly in relation to timeliness;
- Recommendation 6: to review processes for the conduct of case file reviews and in doing so establish processes for a regular review of case files identified as being high risk and complex as well as random, unscheduled reviews of cases distributed across all Financial Managers;
- Recommendation 7: to assess, and document, whether a protected person's views, wishes and preferences can be ascertained;

⁵⁶ Mr Brett Stanton, Acting Auditor-General, *Committee Hansard*, 8 November 2023, pp 10–11.

⁵⁷ ACT Audit Office, *ACT Auditor-General's Report No 3/2023: Financial Management for Protected Persons*, June 2023, pp 11–13.

- Recommendation 8: to update the FMSU Manual to specifically require documentation of consultation (or the reasons why consultation did not take place) with a protected person and/or their support persons during the development of their annual budget;
 - Recommendation 9: to provide an annual statement to a protected person or their guardian, unless there is a justified reason not to do so, which is documented on the protected person’s client file; and
 - Recommendation 15: to seek an addition to section 6 of the *Guardianship and Management of Property Regulation 1991* to explicitly require a private manager to lodge information with respect to a protected person’s expenditure.⁵⁸
- 4.16. The remaining recommendations were expected to be implemented within the financial year, with one due for completion in the first half of the 2024–25 financial year.⁵⁹
- 4.17. During the public hearing on 8 November 2023, the Deputy Director-General of the Justice and Community Safety Directorate, Ms Jennifer McNeill, expressed the opinion that the audit findings ‘predominantly go to poor processes rather than poor outcomes’ and that improving and building confidence in the PTG’s processes would also ensure that ‘we can have confidence in the outcomes they support’.⁶⁰
- 4.18. Ms McNeill told the Committee that policy updates were taking place ‘within existing resources’ and that the PTG had not raised a concern that this would impact other operations. Ms Neill noted, however, that Recommendation 10 of the audit report recommended that the PTG assess the costs for providing financial management services to protected persons.⁶¹
- 4.19. The ACT Audit Office is conducting a further performance audit of the PTG, to consider the planning and implementation of its information technology activities from 2016 to 2023. This performance audit report is expected in June 2024.⁶²

Committee comment

- 4.20. The Committee is of the opinion that this performance audit report reflects poorly on previous PTG leadership and on JACS Directorate oversight of the PTG. Poor processes identified in the report erode trust in an institution whose purpose is to look after very vulnerable people. The Committee is disappointed that no one in leadership roles has taken responsibility or accountability for how the situation was allowed to occur. The Committee is pleased these issues have finally been acknowledged and work has commenced to address these.

⁵⁸ ACT Government, *Auditor-General’s Report No 3/2023 – Financial Management for Protected Persons – Government Response*, October 2023, pp 1–4, 6.

⁵⁹ ACT Government, *Auditor-General’s Report No 3/2023 – Financial Management for Protected Persons – Government Response*, October 2023, p 9.

⁶⁰ Ms Jennifer McNeill, Deputy Director-General, Justice, Justice and Community Safety Directorate, *Committee Hansard*, 8 November 2023, p 18.

⁶¹ Ms Jennifer McNeill, Deputy Director-General, Justice, Justice and Community Safety Directorate, *Committee Hansard*, 8 November 2023, p 19.

⁶² ACT Audit Office, *2023-24 Performance Audit Program*, page 11.

- 4.21. The Committee notes that in response to Recommendation 4 of the Auditor-General's report, calling for a review and update of the PTG's Conflicts of Interest policy and a practice for managing and updating the Register of Conflicts of Interest, the ACT Government advised that the policy and record-keeping approach was being reviewed and that a revised policy would be implemented by 31 December 2023.
- 4.22. The Committee considers that such policies and procedures should be regularly reviewed to ensure they continue to meet requirements and are fit for purpose.

Recommendation 4

The Committee recommends that the ACT Government provide the Assembly with an update on the Public Trustee and Guardian's revised Conflicts of Interest policy and approach and a schedule for further regular reviews of this policy to ensure it continues to be fit for purpose.

- 4.23. The Committee further notes the ACT Government's response to the Auditor-General's Recommendation 11, that the PTG should designate a Complaints Coordinator. While agreeing in principle, the ACT Government responded that the PTG was not large enough and did not receive enough complaints to justify a full-time Complaints Coordinator, but that a revised complaints handling framework would be in place by 31 January 2024.
- 4.24. The Committee considers that the ACT Government should update the Assembly on action taken to address the Auditor-General's recommendation.

Recommendation 5

The Committee recommends that the ACT Government provide the Assembly with an update on the Public Trustee and Guardian's complaint management arrangements.

5. Auditor-General's Performance Audit Report No. 4/2023: Procurement of a Hybrid Electric Fire Truck

Audit report

- 5.1. The ACT Emergency Services Agency (ESA) signed a contract in September 2020 for the purchase of four fire trucks from Rosenbauer Australia Pty Ltd. Three of these trucks were diesel-powered and the remaining truck was a hybrid electric vehicle which cost approximately twice as much as a diesel vehicle. The purchase of the hybrid electric fire truck had initially been attempted in 2019 through a limited market approach, but did not proceed due to the impact of the COVID-19 pandemic. The subsequent procurement of the trucks was incorporated into a 2020 procurement process for the supply of urban pumpers.⁶³
- 5.2. The Auditor-General's report concluded that the procurement of the hybrid electric fire truck was poorly conducted, and that the ESA did not adequately assess the value for money of the truck before placing the order for it in January 2021.⁶⁴
- 5.3. The ESA had advised the Audit Office that it had researched potential suppliers of alternative fuel source fire trucks, and undertaken a feasibility study. However, no reports or documentation in relation to this research or the feasibility study had been prepared.⁶⁵
- 5.4. The report also noted that an Executive Brief seeking an exemption from the need to issue a public tender for the design and purchase of an electric fire appliance advised that research into potential suppliers of the vehicle had 'relied on internet searching'.⁶⁶
- 5.5. During the hearing on 9 November 2023, the Committee asked the ACT Government whether internet searches were the extent of research into potential providers. The Minister did not provide any evidence of the research conducted in this area. They responded:

In 2019 Rosenbauer was the only supplier worldwide focusing on fire specific electric vehicles. This continues to be the case.⁶⁷
- 5.6. The Audit Office observed that various planning documents for the procurement of the fire truck identified further processes to demonstrate the utility of the vehicle. These included project management activities to 'evaluate the prototype and further investigate the

⁶³ ACT Audit Office, *ACT Auditor-General's Report No 4/2023: Procurement of a hybrid electric fire truck*, June 2023, p 1.

⁶⁴ ACT Audit Office, *ACT Auditor-General's Report No 4/2023: Procurement of a hybrid electric fire truck*, June 2023, p 1.

⁶⁵ ACT Audit Office, *ACT Auditor-General's Report No 4/2023: Procurement of a hybrid electric fire truck*, June 2023, p 15.

⁶⁶ ACT Audit Office, *ACT Auditor-General's Report No 4/2023: Procurement of a hybrid electric fire truck*, June 2023, p 19.

⁶⁷ Mr Mick Gentleman MLA, Minister for Police and Emergency Services, *Answer to QTON 5 – Hybrid emergency vehicle providers and research*, 23 November 2023.

prototype vehicle's whole-of-life benefits for the ACT community'. The report noted that these processes did not occur.⁶⁸

- 5.7. The ESA had advised the Audit Office in an email dated 23 January 2023 that, while it had not undertaken a value for money (VFM) report for the procurement, the value for money of the purchase had been demonstrated in other documentation:

ESA did not undertake a concise VFM [value for money] report for the electric fire truck under the exemption. However ESA undertook and provided to various Government stakeholders and the delegate VFM substantiation with various reports and briefings.⁶⁹

- 5.8. The Performance Audit report included comments from Proximity, who were engaged to provide subject matter advice relating to the procurement.⁷⁰

- 5.9. Proximity disputed that this documentation provided a demonstration of value for money, and said that inconsistencies in the reports and briefings were concerning:

Even if one were to accept for the moment that a cocktail of reports and briefings could, in a practical sense, amount to demonstration of a satisfactory VFM process, earlier review work undertaken by Proximity and the work of the Audit Office itself has thrown up multiple concerns regarding the rigour of those evaluations of the efficiency and cost of a CFT, with inconsistencies in those various evaluation statements as well.⁷¹

- 5.10. The Performance Audit report made one recommendation: that 'ESA should, prior to its deployment, formally assess and confirm that the hybrid electric fire truck meets the needs of the ESA as an urban pumper in the Territory'.⁷²

Other evidence

- 5.11. In its submission to the inquiry, the United Firefighters Union of Australia (ACT Branch) described the procurement process for the hybrid electric fire truck as 'scattered with instances of checks and balances not being met'. They noted that the cost of the hybrid electric fire truck was \$0.8 million more than 'the equivalent diesel pumpers', and argued that it was still unknown whether the vehicle was fit for purpose.⁷³

- 5.12. The United Firefighters Union of Australia (ACT Branch) drew comparisons between the procurement of the hybrid electric fire truck and the earlier procurement of the ROMEO 5 Court Transport Vehicle, which was the subject of *Auditor-General's Performance Audit*

⁶⁸ ACT Audit Office, *ACT Auditor-General's Report No 4/2023: Procurement of a hybrid electric fire truck*, June 2023, pp 1-2, 29.

⁶⁹ ACT Audit Office, *ACT Auditor-General's Report No 4/2023: Procurement of a hybrid electric fire truck*, June 2023, p 45.

⁷⁰ ACT Audit Office, *ACT Auditor-General's Report No 4/2023: Procurement of a hybrid electric fire truck*, June 2023, p 44.

⁷¹ ACT Audit Office, *ACT Auditor-General's Report No 4/2023: Procurement of a hybrid electric fire truck*, June 2023, p 45.

⁷² ACT Audit Office, *ACT Auditor-General's Report No 4/2023: Procurement of a hybrid electric fire truck*, June 2023, p 6.

⁷³ United Firefighters Union of Australia (ACT Branch), *Submission 1*, p 17.

Report No 3/2021. They suggested that these cases were illustrative of ‘systemic issues’ with ACT Government procurement.⁷⁴

Government response

- 5.13. In its response to the Performance Audit Report, the ACT Government agreed to the recommendation, describing it as ‘existing Government policy’. The Government asserted that it is standard ESA process to complete an evaluation and implement a training plan for all new ESA vehicles before they become operational.⁷⁵
- 5.14. The response described the hybrid electric fire truck as ‘the pinnacle of the current fleet of urban pumpers’ and said that ESA would use the vehicle as the ‘baseline’ for future fleet acquisitions. The evaluation and training plan would inform future decision-making for continuous improvement of ESA’s fleet as new technology emerged.⁷⁶
- 5.15. The Minister also responded to the United Firefighters Union of Australia (ACT Branch) submission, saying that the ACT Government had ‘noted the observations in the Audit Report’ relating to the procurement of the hybrid electric fire truck and was ‘using them to inform and improve future procurement practices’.⁷⁷

Committee comment

- 5.16. The Committee considers that a number of issues raised by the United Firefighters Union of Australia (ACT Branch) are illustrative of a lack of public trust in the transparency and probity of government procurement practices. The Committee does not make any assertions about the validity of claims made in the submission by the United Firefighters Union of Australia (ACT Branch), but considers that transparent investigation of such concerns would increase public confidence in these practices and processes.

Recommendation 6

The Committee recommends that the ACT Government:

- review the claims made in the submission by the United Firefighters Union of Australia (ACT Branch) and undertake an investigation to determine whether there were any breaches of the *ACT Public Service Code of Conduct*;
- refer any breaches to the ACT Public Sector Standards Commissioner; and
- in the interests of transparency, provide details of this review in the ACT Government’s response to this inquiry.

⁷⁴ United Firefighters Union of Australia (ACT Branch), *Submission 1*, pp 19–20.

⁷⁵ ACT Government, *ACT Auditor-General’s Performance Audit – Procurement of a hybrid electric fire truck – Report No 4/2023 – Government Response*, October 2023, p 1.

⁷⁶ ACT Government, *ACT Auditor-General’s Performance Audit – Procurement of a hybrid electric fire truck – Report No 4/2023 – Government Response*, October 2023, p 1.

⁷⁷ ACT Government, *Submission 2*, p 2.

- 5.17. The Committee notes that in a response to a question taken on notice at the public hearing on 9 November 2023, the Minister for Police and Emergency Services said that the hybrid electric fire truck would become fully operational ‘in late 2023 or early 2024.’

Recommendation 7

The Committee recommends that the ACT Government update the Assembly when the hybrid electric fire truck becomes fully operational.

- 5.18. The Committee is concerned at the apparent lack of research, or lack of documented research, into potential suppliers for alternative-fuel fire appliances, and considers that the ACT Government should follow best practice in both researching the market before engaging in procurement, and in documenting this research.

Recommendation 8

The Committee recommends that the ACT Government ensure that future procurement by ESA is properly researched and that this research is appropriately documented and demonstrated.

- 5.19. The Committee is of the opinion that the ESA has shown a lack of understanding of the appropriate documentation needed to demonstrate value for money in procurement processes. The Committee considers that a review of recent ESA procurements to ascertain that value for money assessments have been properly conducted would be beneficial.

Recommendation 9

The Committee recommends that the ACT Government provide evidence to the Assembly that all procurements by the Emergency Services Agency since the hybrid electric fire truck have undergone a value-for-money assessment as required by section 22A of the Government Procurement Act 2001.

- 5.20. The Committee was dismayed at the lack of corporate knowledge and preparation displayed by the ESA in the public hearing on 9 November 2023, noting that witnesses took 17 questions on notice in a short period of time. While the Committee appreciates that there had been recent staff turnover and some senior personnel were new to their roles at that time, the Committee considers that there should be measures in place to properly brief new staff, especially senior staff, on their roles and to preserve essential corporate knowledge.

Recommendation 10

The Committee recommends that the ACT Government ensure that:

- appropriate record keeping and handover protocols are in place in the Emergency Services Agency to preserve essential corporate knowledge in the event of staff turnover; and
- directorate staff are suitably prepared to answer committee questions during public hearings.

6. Conclusion

- 6.1. The Committee would like to thank the ACT Audit Office, the Minister for Business and Better Regulation, the Minister for Health, the Attorney-General, the Minister for Police and Emergency Services, the Public Trustee and Guardian, and directorate officials for their participation in this inquiry.
- 6.2. The Committee makes ten recommendations in this report.

Mr Ed Cocks MLA
Chair
June 2024

Appendix A: Submissions

No.	Submission by	Received	Published
1	United Firefighters Union of Australia—ACT Branch	20/03/2024	27/03/2024
2	ACT Government	29/04/2024	08/05/2024

Appendix B: Witnesses

Wednesday, 8 November 2023

ACT Audit Office

- **Mr Brett Stanton**, Acting Auditor-General
- **Dr Tanja Porter**, Audit Principal

Attorney-General

- **Mr Shane Rattenbury MLA**, Attorney-General
- **Ms Jennifer McNeill**, Deputy Director General Community Safety, Justice and Community Safety Directorate

Public Trustee and Guardian

- **Mr Aaron Hughes**, Public Trustee and Guardian
- **Ms Danae Lacey**, Acting Senior Director, Wills Estates and Trusts Unit

Minister for Health

- **Ms Rachel Stephen-Smith MLA**, Minister for Health
- **Mr Dave Peffer**, Chief Executive Officer, Canberra Health Services
- **Ms Cathy O'Neil**, Deputy Director, General Hospital projects

Thursday, 9 November 2023

Minister for Police and Emergency Services

- **Mr Mick Gentleman MLA**, Minister for Police and Emergency Services
- **Mr Wayne Phillips**, Acting Commissioner, ACT Emergency Services Agency
- **Ms Elita Barrett**, Executive Branch Manager, ACT Emergency Services Agency
- **Ms Danielle Krajina**, Chief Operating Officer, Justice and Community Safety Directorate

Minister for Business and Better Regulation

- **Ms Tara Cheyne MLA**, Minister for Business and Better Regulation
- **Mr David Pryce**, Deputy Director-General, Access Canberra
- **Mr Nick Lhuede**, Executive Branch Manager, Construction, Utilities and Environment Protection, Access Canberra and Construction Occupations Registrar

Appendix C: Questions Taken on Notice

No.	Date	Asked of	Subject	Response received
1	08/11/2023	Attorney-General	<i>Auditor-General Performance Audit Report 3/2023</i> and meetings between JACS and PTG and discussion of issues revealed by the audit	21/11/2023
2	08/11/2023	Minister for Health	<i>Auditor-General Performance Audit Report 2/2023</i> and procurement documents and internal audit	21/11/2023
3	08/11/2023	Attorney-General	<i>Auditor-General Performance Audit Report 3/2023</i> and financial statements and legal obligation under 27AA	21/11/2023
4	09/11/2023	Minister for Police and Emergency Services	<i>Auditor-General Performance Audit Report 4/2023</i> and decision to pursue hybrid electric emergency services vehicles and timing	20/11/2023
5	09/11/2023	Minister for Police and Emergency Services	<i>Auditor-General Performance Audit Report 4/2023</i> and hybrid emergency vehicle providers and research	23/11/2023
6	09/11/2023	Minister for Police and Emergency Services	<i>Auditor-General Performance Audit Report 4/2023</i> and feasibility study	14/03/2024
7	09/11/2023	Minister for Police and Emergency Services	Workplace Health and Safety assessment and name of responsible person	29/11/2023
8	09/11/2023	Minister for Police and Emergency Services	<i>Auditor-General Performance Audit Report 4/2023</i> and permit to drive on ACT roads and details of necessary legislative change	20/11/2023
9	09/11/2023	Minister for Police and Emergency Services	<i>Auditor-General Performance Audit Report 4/2023</i> and driving range of truck	20/11/2023
10	09/11/2023	Minister for Police and Emergency Services	<i>Auditor-General Performance Audit Report 4/2023</i> and diesel capacity, water capacity	20/11/2023
11	09/11/2023	Minister for Police and Emergency Services	<i>Auditor-General Performance Audit Report 4/2023</i> and hybrid fire truck and total cost to government	20/11/2023

No.	Date	Asked of	Subject	Response received
12	09/11/2023	Minister for Police and Emergency Services	<i>Auditor-General Performance Audit Report 4/2023</i> and hybrid fire truck and extra features	20/11/2023
13	09/11/2023	Minister for Police and Emergency Services	<i>Auditor-General Performance Audit Report 4/2023</i> and pre-construction meetings	20/11/2023
14	09/11/2023	Minister for Police and Emergency Services	<i>Auditor-General Performance Audit Report 4/2023</i> and hybrid fire truck and conflicts of interest	20/11/2023
15	09/11/2023	Minister for Police and Emergency Services	<i>Auditor-General Performance Audit Report 4/2023</i> and hybrid fire truck and conflicts of interest	20/11/2023
16	09/11/2023	Minister for Police and Emergency Services	<i>Auditor-General Performance Audit Report 4/2023</i> and hybrid fire truck and overlap between Germany trip and procurement team	20/11/2023
17	09/11/2023	Minister for Police and Emergency Services	<i>Auditor-General Performance Audit Report 4/2023</i> and lithium battery and risk assessment	20/11/2023
18	09/11/2023	Minister for Police and Emergency Services	<i>Auditor-General Performance Audit Report 4/2023</i> and hybrid fire truck and operational date	20/11/2023
19	09/11/2023	Minister for Police and Emergency Services	<i>Auditor-General Performance Audit Report 4/2023</i> and lithium battery and cost of replacement and infrastructure	20/11/2023
20	09/11/2023	Minister for Police and Emergency Services	<i>Auditor-General Performance Audit Report 4/2023</i> and lithium battery and specifications	20/11/2023
21	09/11/2023	Minister for Business and Better Regulation	<i>Auditor-General Performance Audit Report 1/2023</i> and new and renewed applications and out-of-state disciplinary action	17/11/2023
22	09/11/2023	Minister for Business and Better Regulation	<i>Auditor-General Performance Audit Report 1/2023</i> and online exams and anti-cheating software	17/11/2023
23	09/11/2023	Minister for Business and Better Regulation	<i>Auditor-General Performance Audit Report 1/2023</i> and interview process and assessment scale	17/11/2023

No.	Date	Asked of	Subject	Response received
24	09/11/2023	Minister for Business and Better Regulation	<i>Auditor-General Performance Audit Report 1/2023</i> and construction licensing application and failure rate	17/11/2023

Appendix D: Gender distribution of witnesses

Beginning in April 2023, in response to an audit by the Commonwealth Parliamentary Association, Committees are collecting information on the gender of witnesses. The aim is to determine whether committee inquiries are meeting the needs, and allowing the participation of, a range of genders in the community. Participation is voluntary and there are no set responses.

Gender indication	Total
Female	8
Male	8