



**Legislative Assembly for the  
Australian Capital Territory**

Standing Committee on Public Accounts

# **Inquiry into Auditor-General's Performance Audit Reports July– December 2023**

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

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Approved for publication

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Report 24  
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September 2024



# 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
- Treasury including taxation and revenue
- 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

Mr Ed Cocks MLA, Chair

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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 14 February 2024, the Committee resolved to undertake further an inquiry into all Auditor-General's performance audit reports published between 1 July and 31 December 2023.

## Terms of Reference

The Standing Committee on Public Accounts will inquire into and report on matters relating to the following Auditor-General reports:

- No 5/2023 – Activities of the Government Procurement Board;
- No 6/2023 – Implementation of the ACT Aboriginal and Torres Strait Islander Agreement;
- No 8/2023 – Supports for students with disability in ACT public schools; and
- No 10/2023 – Human Resources Information Management System (HRIMS) Program

and any other related matter.

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# Acronyms & Abbreviations

Acronym or Abbreviation	Long form
2019 Agreement	The ACT Aboriginal and Torres Strait Islander Agreement 2019-2028
ACT	Australian Capital Territory
Amendment Act	<i>Government Procurement Amendment Act 2024</i>
ATSIEB	Aboriginal and Torres Strait Islander Elected Body
COVID-19	Coronavirus Disease 2019, caused by the novel coronavirus SARS-CoV-2
Cth	Commonwealth
GST	Goods and Services Tax
HRIMS	Human Resources Information Management System
LSA	Learning Support Assistant
MLA	Member of the Legislative Assembly
Qld	Queensland
QON	Question on Notice
QTON	Question Taken on Notice
The Strategy	<i>Inclusive Education: A Disability Inclusion Strategy for ACT Public Schools 2024-2034</i>

# Recommendations

## Recommendation 1

The Committee recommends that the ACT Government consider a two-to-one ratio of non-public employee members to public employee members of the Government Procurement Board to increase its independence.

## Recommendation 2

The Committee recommends that the ACT Government review the effect of the *Government Procurement Amendment Act 2024* in July 2026 to ensure that the measures introduced by the Act have resolved the issues raised in the Auditor-General's performance audit report. The terms of reference of this review should include:

- the clarity of statutory roles and responsibilities;
- the effectiveness and efficiency of the Government Procurement Board's review and advice functions; and
- the role and responsibilities of the Chair of the Government Procurement Board.

## Recommendation 3

The Committee recommends that the ACT Government ensure that school enrolment processes do not require documentation supporting a diagnosis when no diagnosis is required.

## Recommendation 4

The Committee recommends that the Chief Minister strengthen and clarify the Ministerial Code of Conduct to ensure that Ministers actively seek to prevent, and are held accountable for, any significant mismanagement within their portfolio.

## Recommendation 5

The Committee recommends that the annual staff census of all public sector entities include questions concerning confidence in the good governance of the directorate or other organisation, and the culture of accountability among senior leaders.

## Recommendation 6

The Committee recommends that the ACT Government designate the Head of Service as the officer responsible for a culture of accountability at all levels in the ACT Public Service, with particular focus on the ACT Public Service Senior Leadership.

## Recommendation 7

The Committee recommends that the Head of Service develop a plan to improve and enhance accountability in the ACT Public Service and provide an annual update to the Public Accounts Committee on actions against the plan.

### **Recommendation 8**

The Committee recommends that the Chief Minister, as the responsible Minister, set clearly defined performance objectives for the Head of Service and actively manage the performance manage the Head of Service to ensure governance in the ACT Public Service is fit for purpose and for the culture of accountability of the ACT Public Service as a whole.

### **Recommendation 9**

The Committee recommends that the Chief Minister be required to deliver an annual Ministerial Statement on the state of governance and accountability in the ACT Public Service, including at a minimum, reporting on the Head of Service accountability plan, and disclosure of significant procurement or project performance issues which have been identified during the reporting period.



# 1. Conduct of the inquiry

- 1.1. The Committee received two submissions to the inquiry. These are listed in **Appendix A**.
- 1.2. The Committee held public hearings on 22, 23, and 30 May 2024. Witnesses who appeared at the hearings are listed in **Appendix B**.
- 1.3. The Committee had six Questions Taken on Notice and 10 Questions on Notice from the public hearings. These are listed in **Appendix C**.

## 2. Auditor-General's Performance Audit Report 5/2023: Activities of the Government Procurement Board

- 2.1. The Government Procurement Board was established by the *Government Procurement Act 2001*. Under this Act, the Board's functions include reviewing certain procurement proposals and providing advice to the Territory entity intending to undertake the procurement. At the time of the performance audit, the Board comprised nine public employee and non-public employee members and met for two hours every week.<sup>1</sup>

### Audit Report

- 2.2. The Performance Audit report concluded that, while the Board was meeting its obligations, it was not 'optimally effective or efficient in fulfilling its functions'.<sup>2</sup>
- 2.3. The report asserted that Board members, procurement officials, and procurement proponents did not share a common understanding of the Board's purpose, and that this compromised the Board's efficiency:

The fundamental issue for consideration is the need for clarity on what the overall purpose of the Board is. There is misalignment between what is stated in the legislation and what is the understanding of the Board's purpose by proponents, Board members and procurement officials.<sup>3</sup>

- 2.4. The Audit Office described the *Government Procurement Act 2001* and the *Government Procurement Regulation 2007* as 'unhelpful', saying they stopped the Board from being more efficient and effective. The report called for the Board to be more independent, with an express authority to advise, approve, and give direction where necessary, and to have the ability to focus on specific proposals and matters for review.<sup>4</sup>
- 2.5. The report also said that the Board's efficiency was impacted by having several entities involved in the procurement process, especially for low-risk proposals. The report suggested that efficiency could be improved by having the Board review fewer, higher-risk procurement proposals.<sup>5</sup>
- 2.6. The Performance Audit report made 16 recommendations, including: that the government should consider the Board's functions, purpose and membership, and amend legislation as necessary; that the Board should undertake fewer, deeper reviews of the highest risk

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<sup>1</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 5/2023: Activities of the Government Procurement Board*, July 2023, p 1.

<sup>2</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 5/2023: Activities of the Government Procurement Board*, July 2023, p 1.

<sup>3</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 5/2023: Activities of the Government Procurement Board*, July 2023, p 2.

<sup>4</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 5/2023: Activities of the Government Procurement Board*, July 2023, p 1.

<sup>5</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 5/2023: Activities of the Government Procurement Board*, July 2023, p 1.

proposals; a review of the ‘two-pass review process’ for assessing procurement proposals; and that the government should consider giving the Board the power to provide written advice directly to a director-general or chief executive.<sup>6</sup>

## Government response and submission

- 2.7. In its response to the Performance Audit report, the ACT Government agreed to all recommendations. The government indicated that it intended to update the *Government Procurement Regulation 2007* to establish a ‘threshold and risk-based approach to identifying procurements requiring review by the Board’.<sup>7</sup>
- 2.8. The ACT Government also advised that it intended to amend the *Government Procurement Act 2001* to provide a ‘clear articulation’ of the Board’s purpose and functions through a set of Terms of Reference which would be reviewed each year.<sup>8</sup>
- 2.9. The ACT Government provided a submission to this inquiry in April 2024, providing an update on progress in clarifying the Board’s function and operation and outlining intentions for future actions. In the submission, the ACT Government indicated that it considered half of the Auditor-General’s recommendations to have been met, marking eight as ‘delivered’, while three recommendations had been ‘delivered-in-part’ and the remaining five were ‘ongoing’.<sup>9</sup>

## Government Procurement Amendment Act 2024

- 2.10. The Government Procurement Amendment Bill 2023 (the Bill) was presented by the Special Minister of State on 2 November 2023, passed by the Assembly on 7 February 2024, becoming the *Government Procurement Amendment Act 2024* (the Amendment Act), which commenced on 1 July 2024.<sup>10</sup>
- 2.11. In the *Revised Explanatory Statement* to the Bill, the Minister outlined the revised purpose and functions of the Board, and noted the introduction of provisions for the Board to make recommendations in writing to the chief executive of a Territory entity, and for that entity to address those recommendations.<sup>11</sup>
- 2.12. The Amendment Act also shifted the balance of membership of the Board to non-public employees, by requiring that the chairperson of the Board be a non-public employee. The deputy chairperson must be a public employee, and the remainder of the Board comprises three public employee members and four non-public employee members.<sup>12</sup>

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<sup>6</sup> ACT Audit Office, *ACT Auditor-General’s Performance Audit Report No. 5/2023: Activities of the Government Procurement Board*, July 2023, pp 15–17.

<sup>7</sup> ACT Government, *Auditor-General Report No.5 of 2023 - Activities of the Government Procurement Board - Government Response*, tabled 21 September 2023, p 4.

<sup>8</sup> ACT Government, *Auditor-General Report No.5 of 2023 - Activities of the Government Procurement Board - Government Response*, tabled 21 September 2023, p 6.

<sup>9</sup> ACT Government, *Submission 2*.

<sup>10</sup> ACT Legislation Register, Government Procurement Amendment Bill 2023, [Government Procurement Amendment Bill 2023 | Bills \(act.gov.au\)](https://www.act.gov.au/bills/2023) (accessed 21 March 2024).

<sup>11</sup> Mr Chris Steel MLA, Special Minister of State, *Government Procurement Amendment Bill 2023 – Revised Explanatory Statement*, February 2024, p 15.

<sup>12</sup> Government Procurement Amendment Bill 2023, cl 43, proposed s 32.

- 2.13. The *Revised Explanatory Statement* further noted that the Board would be required to report each year on its performance and any conflicts of interest:

The Bill establishes the requirement of the Board to annually report to the Minister on the performance of the Board during the year in improving the processes and management of procurements and whether any conflicts of interest were identified within the Board.<sup>13</sup>

- 2.14. Terms of reference for the Board would further clarify the Board's role and obligations, and would be set out in subordinate legislation:

The Board's role and obligations are proposed to be clarified in an enhanced Terms of Reference in subordinate legislation, and supported by forthcoming instruments which will set the Board's Strategic Directions, support the compliance of any Whole of Government procurement practices and provide the appropriate authorising environment for the Board in meeting its objectives.<sup>14</sup>

- 2.15. In its submission, the ACT Government advised that terms of reference would be issued by ministerial direction and would 'further articulate the role and objectives of the Board including the strategic direction'. These terms of reference would be 're-affirmed annually'.<sup>15</sup>

- 2.16. The ACT Government noted that the two-pass process for procurement proposals had been reformed by the Amendment Act:

... all procurements presented to the Board proceed through this process. The process itself is modified and operates in a model that ensures proponents receive advice at an earlier time in the procurement process so that it can be practically implemented and ensures that proponents have adequate time to implement the Board's advice.<sup>16</sup>

## Public hearing

- 2.17. During the public hearing on 23 May 2024, the Acting Auditor-General observed that the role of the Government Procurement Board was an advisory one, and that procurement decision-makers were within their remit to not follow the Board's advice. However, there was an expectation that their reasoning and rationale for not following the Board's advice would be strong and well-documented.<sup>17</sup>

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<sup>13</sup> Mr Chris Steel MLA, Special Minister of State, *Government Procurement Amendment Bill 2023 – Revised Explanatory Statement*, February 2024, pp 2–3.

<sup>14</sup> Mr Chris Steel MLA, Special Minister of State, *Government Procurement Amendment Bill 2023 – Revised Explanatory Statement*, February 2024, p 3.

<sup>15</sup> ACT Government, *Submission 2*, p 3.

<sup>16</sup> ACT Government, *Submission 2*, p 4.

<sup>17</sup> Mr Brett Stanton, Acting Auditor-General, *Committee Hansard*, 23 May 2024, p 15.

- 2.18. When asked about the effects of staff turnover on programs and project continuity, the Acting Auditor-General noted that effective governance arrangements were a strong mitigation in such cases:

The appropriate governance arrangements—those programs, plans, policies and standard operating procedures—are very useful and a very important control in ensuring continuity of program and project delivery. Through some of these audits and through other audits that we do, we talk about [them] and call out where that is absent. It is a problem if they are absent.<sup>18</sup>

- 2.19. The Acting Auditor-General added that, while at the start of the audit period in 2017 Procurement ACT did not have adequate procedural guidelines for continuity, there had been an effort by Procurement ACT to develop and improve policy and procedural guidance for procurement.<sup>19</sup>
- 2.20. During the public hearing on 30 May 2024, the ACT Government advised that the only outstanding action items from the performance audit recommendations were the terms of reference and strategic direction for the Government Procurement Board, which would both be established via legislative instruments, and the appointment of a non-government Chair of the board, which was underway and would be complete by 1 July 2024.<sup>20</sup>

### Committee comment

- 2.21. The Committee is pleased to see commitment by the ACT Government to begin strengthening the procurement process. The Committee considers that that it would be good practice to review the effect of the amendments to the *Government Procurement Act 2001* put in place by the *Government Procurement Amendment Act 2024* after two years, to ensure that the issues raised in the performance audit have been resolved. The statutory review should examine whether further steps would increase the effectiveness, independence and transparency of the Board.

#### Recommendation 1

The Committee recommends that the ACT Government consider a two-to-one ratio of non-public employee members to public employee members of the Government Procurement Board to increase its independence.

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<sup>18</sup> Mr Brett Stanton, Acting Auditor-General, *Committee Hansard*, 23 May 2024, p 16.

<sup>19</sup> Mr Brett Stanton, Acting Auditor-General, *Committee Hansard*, 23 May 2024, p 16.

<sup>20</sup> Ms Sanaz Mirzabegian, Executive Group Manager, Procurement ACT, Treasury, Chief Minister, Treasury and Economic Development Directorate, and Mr Chris Steel MLA, Special Minister of State, *Committee Hansard*, 30 May 2024, pp 35–36.

## Recommendation 2

The Committee recommends that the ACT Government review the effect of the *Government Procurement Amendment Act 2024* in July 2026 to ensure that the measures introduced by the Act have resolved the issues raised in the Auditor-General's performance audit report. The terms of reference of this review should include:

- the clarity of statutory roles and responsibilities;
- the effectiveness and efficiency of the Government Procurement Board's review and advice functions; and
- the role and responsibilities of the Chair of the Government Procurement Board.

### 3. Auditor-General's performance audit report 6/2023: Implementation of the ACT Aboriginal and Torres Strait Islander Agreement

- 3.1. The *ACT Aboriginal and Torres Strait Islander Agreement 2019-2028* (the 2019 Agreement) seeks to hold the ACT Government accountable to the Aboriginal and Torres Strait Islander communities through the Aboriginal and Torres Strait Islander Elected Body (ATSIEB). The Chief Minister, the Minister of Aboriginal and Torres Strait Islander Affairs, the Head of Service and the chair of the ATSIEB, as signatories to the agreement, must work together to enable equitable outcomes for Aboriginal and Torres Strait Islander people.<sup>21</sup>

## Audit Report

- 3.2. The Performance Audit report concluded that the arrangements to oversee implementation of the 2019 Agreement had not been effective.<sup>22</sup> Nearly a quarter of the 99 priority actions in action plans for the first phase of the agreement had not been adequately addressed by directorates in their implementation plans. It had taken over two years to implement an 'Outcomes Framework' to demonstrate the impact of the 2019 Agreement on Aboriginal and Torres Strait Islander communities. Furthermore, whole-of-government governance committees had not provided effective oversight of the 2019 Agreement's implementation.<sup>23</sup>

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<sup>21</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 6/2023: Implementation of the ACT Aboriginal and Torres Strait Islander Agreement*, August 2023, p 1.

<sup>22</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 6/2023: Implementation of the ACT Aboriginal and Torres Strait Islander Agreement*, August 2023, p 1.

<sup>23</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 6/2023: Implementation of the ACT Aboriginal and Torres Strait Islander Agreement*, August 2023, p 1.

- 3.3. The Audit Office noted that, while most directorates consulted with and took account of the views of local Aboriginal and Torres Strait Islander communities, this consultation was on a small scale and only recently commenced. The report said that the directorates would need to make ‘significant and sustained effort’ to be able to demonstrate their ability to support self-determination for Aboriginal and Torres Strait Islander communities.<sup>24</sup>
- 3.4. The part-time nature of roles on the ATSIEB was identified as a ‘key risk’ to the elected body’s effectiveness. The report described the body as a key support to self-determination, carrying significant expectations of working with directorates and local communities and holding directorates to account for delivery of the 2019 Agreement.<sup>25</sup>
- 3.5. The Audit Office observed that only two progress reports on the implementation of the 2019 Agreement had been produced in four years, despite an inter-directorate committee being responsible for issuing such reports every six months. The Audit Office also reported that directorates ‘did not provide a faithful representation of their activities’ to implement the 2019 Agreement in their annual reports for 2020–21.<sup>26</sup>
- 3.6. The report concluded that performance management and monitoring of the implementation of the 2019 Agreement had not been effective, and that outputs-based reporting had not been routinely or consistently completed.<sup>27</sup>
- 3.7. The report made eight recommendations, including that ACT Government directorates and Ministers should:
- Update the Terms of Reference for the inter-directorate committee providing oversight to the implementation of the 2019 Agreement, and ensure that action items raised in meetings were tracked to completion in meeting minutes;
  - Put in place more robust processes for tracking progress in implementing commitments under the 2019 Agreement;
  - Consider resourcing the ATSIEB to be able to fulfil its roles in accountability, consultation and oversight;
  - Finalise and develop targets for performance measures identified in the Outcomes Framework;
  - Establish a whole-of-government annual report on progress to implement the 2019 Agreement; and

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<sup>24</sup> ACT Audit Office, *ACT Auditor-General’s Performance Audit Report No. 6/2023: Implementation of the ACT Aboriginal and Torres Strait Islander Agreement*, August 2023, p 2.

<sup>25</sup> ACT Audit Office, *ACT Auditor-General’s Performance Audit Report No. 6/2023: Implementation of the ACT Aboriginal and Torres Strait Islander Agreement*, August 2023, p 2.

<sup>26</sup> ACT Audit Office, *ACT Auditor-General’s Performance Audit Report No. 6/2023: Implementation of the ACT Aboriginal and Torres Strait Islander Agreement*, August 2023, pp 6–7.

<sup>27</sup> ACT Audit Office, *ACT Auditor-General’s Performance Audit Report No. 6/2023: Implementation of the ACT Aboriginal and Torres Strait Islander Agreement*, August 2023, p 65.

- Explicitly require government directorates and agencies to report their progress in implementing the 2019 Agreement in their annual reports, ‘faithfully and without bias’.<sup>28</sup>

## Government response

- 3.8. In its response to the Performance Audit report, the ACT Government affirmed its commitment to self-determination ‘as the guiding principle in the delivery of programs and services for Aboriginal and Torres Strait Islander people in the ACT’.<sup>29</sup>
- 3.9. The ACT Government agreed to seven of the report’s recommendations and agreed in principle to one.<sup>30</sup> The response provided details on how each recommendation was being or had been addressed.<sup>31</sup>
- 3.10. Recommendation 4, to which the ACT Government agreed in principle, called on the responsible directorates to strengthen the ATSIEB’s ability to fulfil its responsibilities:

### RECOMMENDATION 4 THE ELECTED BODY

The Community Services Directorate and Chief Minister, Treasury and Economic Development Directorate should, through the auspices of the Aboriginal and Torres Strait Islander Affairs Subcommittee of the Strategic Board and in consultation with the Aboriginal and Torres Strait Islander Elected Body, strengthen the Elected Body’s ability to fulfil its responsibilities under the Aboriginal and Torres Strait Islander Elected Body Act 2008. Consideration should be given to:

- a) resourcing the Elected Body to be able to fulfil its accountability, consultation and oversight roles. The Elected Body should receive support to independently determine the necessary resourcing that is needed to complete these roles and have them considered as part of the ACT Government budget process; and
- b) supporting improved community participation in elections for the Elected Body.<sup>32</sup>

- 3.11. The ACT Government said that resourcing and enabling legislation for the ATSIEB should be considered in the context of the outcomes of the 2023 Voice to Parliament referendum and ATSIEB’s ‘ability to undertake the functions of an independent mechanism’ under the National Agreement on Closing the Gap. While ATSIEB already had the authority to carry

<sup>28</sup> ACT Audit Office, *ACT Auditor-General’s Performance Audit Report No. 6/2023: Implementation of the ACT Aboriginal and Torres Strait Islander Agreement*, August 2023, pp 7–9.

<sup>29</sup> ACT Government, *Auditor-General Report 6 of 2023 - Implementation of the ACT Aboriginal and Torres Strait Islander Agreement - Government Response*, tabled 30 November 2023, p 1.

<sup>30</sup> ACT Government, *Auditor-General Report 6 of 2023 - Implementation of the ACT Aboriginal and Torres Strait Islander Agreement - Government Response*, tabled 30 November 2023, p 3.

<sup>31</sup> ACT Government, *Auditor-General Report 6 of 2023 - Implementation of the ACT Aboriginal and Torres Strait Islander Agreement - Government Response*, tabled 30 November 2023, pp 5–13.

<sup>32</sup> ACT Audit Office, *ACT Auditor-General’s Performance Audit Report No. 6/2023: Implementation of the ACT Aboriginal and Torres Strait Islander Agreement*, August 2023, p 8.

out many of those functions, the ACT Government intended to continue to work with Aboriginal and Torres Strait Islander communities to further develop this.<sup>33</sup>

- 3.12. The government response also provided details of awareness-raising activities conducted by the ACT Electoral Commission to promote community participation in the 2021 ATSIEB election.<sup>34</sup>
- 3.13. The government's response further noted that work under the 2019 Agreement had been impacted by reforms made under the 2020 National Agreement on Closing the Gap, which included representation from the ATSIEB. Work to better align the reporting of both agreements was underway in the ACT.<sup>35</sup>

## Public hearing

- 3.14. At the time of the public hearing on 22 May 2024, the ATSIEB was in caretaker mode, with elections to the body to take place between 6 and 13 July 2024.<sup>36</sup>
- 3.15. The ACT Government told the Committee at the hearing that, once the ATSIEB elections had been finalised, it would begin negotiation of the phase 3 directorate implementation plans, and that once all parties had agreed, the phase 2 and phase 3 implementation plans would be published on the website in accordance with the Auditor-General's Recommendation 3.<sup>37</sup>
- 3.16. The Committee heard that an independent First Nations-led review of the ATSIEB model was in its first phase, which would result in a 'listening report' to be published around October 2024. This report would 'inform further conversations about how the government and the Aboriginal and Torres Strait Islander community work together to build and strengthen the current model'.<sup>38</sup>
- 3.17. The second phase of the review would consider any required legislative amendments and budgeting proposals, to be considered by the 11th Assembly towards the end of the ATSIEB electoral term.<sup>39</sup>
- 3.18. The ACT Government said that it was working on improving accountability within the ACT Public Service for meeting the objectives of governance reforms. Noting that the ATSIEB itself is a public accountability mechanism, the Government acknowledged that the Productivity Commission had recommended in its *Review of the national agreement on*

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<sup>33</sup> ACT Government, *Auditor-General Report 6 of 2023 - Implementation of the ACT Aboriginal and Torres Strait Islander Agreement - Government Response*, tabled 30 November 2023, p 10.

<sup>34</sup> ACT Government, *Auditor-General Report 6 of 2023 - Implementation of the ACT Aboriginal and Torres Strait Islander Agreement - Government Response*, tabled 30 November 2023, pp 10–11.

<sup>35</sup> ACT Government, *Auditor-General Report 6 of 2023 - Implementation of the ACT Aboriginal and Torres Strait Islander Agreement - Government Response*, tabled 30 November 2023, p 3.

<sup>36</sup> [Declaration of candidates for the 2024 Aboriginal and Torres Strait Islander Elected Body - Aboriginal & Torres Strait Islander - Elected Body \(atsieb.com.au\)](https://www.atsieb.com.au) (accessed 10 July 2024).

<sup>37</sup> Mr Brendan Moyle, Executive Branch Manager, Strategic Policy, Community Services Directorate, *Committee Hansard*, 22 May 2024, p 2.

<sup>38</sup> Mr Brendan Moyle, Executive Branch Manager, Strategic Policy, Community Services Directorate, *Committee Hansard*, 22 May 2024, p 2.

<sup>39</sup> Mr Brendan Moyle, Executive Branch Manager, Strategic Policy, Community Services Directorate, *Committee Hansard*, 22 May 2024, pp 2–3.

*closing the gap* that jurisdictions should ‘embed’ accountability within the public service using legislative amendments by the Queensland Government to the *Public Sector Act 2022* (Qld) as a model.<sup>40</sup> Each state and territory would be required to provide its response to the commission’s recommendations:

Those recommendations are going to be tabled at the Joint Council on Closing the Gap, which the minister will be attending on 5 July. Once agreed at the joint council, jurisdictions will need to formulate and formally put forward a position in terms of how they are responding.<sup>41</sup>

- 3.19. The Minister told the Committee that part of the ‘fundamental purpose’ of the 2019 Agreement was to ‘drive understanding of the importance of’ and commitment to self-determination across all directorates, and that this work was ongoing:

Are we there yet? Absolutely not, but it [the 2019 Agreement] is our key mechanism for doing that.<sup>42</sup>

#### Committee comment

- 3.20. The Committee is pleased to see that the ACT Government has strengthened governance and oversight measures for the 2019 Agreement in implementing the Auditor-General’s recommendations, and is working with the Aboriginal and Torres Strait Islander community to review the ATSIEB model.
- 3.21. The Committee makes no further recommendation on this matter.

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<sup>40</sup> Ms Rachel Stephen-Smith MLA, Minister for Aboriginal and Torres Strait Islander Affairs, *Committee Hansard*, 22 May 2024, pp 7–8; Mr Brendan Moyle, Executive Branch Manager, Strategic Policy, Community Services Directorate, *Committee Hansard*, 22 May 2024, pp 7–8; Australian Government, Productivity Commission, *Review of the national agreement on closing the gap*, January 2024, p 21 [Volume 1 - Study report - Review of the National Agreement on Closing the Gap \(pc.gov.au\)](#) (accessed 10 July 2024).

<sup>41</sup> Mr Brendan Moyle, Executive Branch Manager, Strategic Policy, Community Services Directorate, *Committee Hansard*, 22 May 2024, p 8.

<sup>42</sup> Ms Rachel Stephen-Smith MLA, Minister for Aboriginal and Torres Strait Islander Affairs, *Committee Hansard*, 22 May 2024, p 9.

## 4. Auditor-General's performance audit report 8/2023: Supports for students with disability in ACT public schools

- 4.1. Students with disability have the right to access education on the same basis as their peers, and schools must provide supports to ensure equity of access. The performance audit considered the effectiveness of the Education Directorate in providing support for students with disability in ACT public schools.<sup>43</sup>

### Audit report

- 4.2. The Auditor-General's report on support for students with disability in ACT public schools opens with an explanation of terminology used in the report, including the definition of disability provided by the *Disability Discrimination Act 1992* (Cth). The report notes that people with disability have 'different preferences for terms describing schools and educational settings'. In the Auditor-General's report, 'specialist school' is used to describe standalone schools specialising in providing education for students with disability. Other schools are referred to by the terms 'mainstream school' or 'local school'.<sup>44</sup>
- 4.3. The Auditor-General's report found that the Education Directorate did not provide 'sufficiently clear and accessible written information for students and families' about standards, available settings and adjustments, or processes for obtaining adjustments.<sup>45</sup> According to the report, stakeholders had identified a lack of timeliness, consistency and accessibility of information from the directorate as key issues.<sup>46</sup>
- 4.4. The ACT Audit Office noted that the process used by the Education Directorate to assess students' eligibility for support required formal medical diagnoses. This requirement placed administrative and financial burdens on families and schools, and the report said that it introduced a risk of inequity between more and less socio-economically advantaged students.<sup>47</sup>
- 4.5. The report also noted that the appraisal process for assessing students' need focused on deficits, rather than strengths, which could be distressing for families. Further, outcomes were not clearly linked to school resourcing. The directorate was piloting new assessment

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<sup>43</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 8/2023: Supports for students with disability in ACT public schools*, October 2023, p 1.

<sup>44</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 8/2023: Supports for students with disability in ACT public schools*, October 2023, p ii.

<sup>45</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 8/2023: Supports for students with disability in ACT public schools*, October 2023, p 1.

<sup>46</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 8/2023: Supports for students with disability in ACT public schools*, October 2023, p 3.

<sup>47</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 8/2023: Supports for students with disability in ACT public schools*, October 2023, p 1.

tools at the time of the audit, and the report emphasised that this should be an opportunity to implement strengths-based processes.<sup>48</sup>

- 4.6. One example of a reasonable adjustment that could be provided for students with disability, the performance audit report said, was suitably trained Learning Support Assistants (LSAs). The report found that, while the Education Directorate provided a range of professional learning opportunities suitable for LSAs and provided financial assistance for LSAs to complete external qualifications, it did not maintain a central record of LSAs' participation in such training or their qualifications. The directorate also could not report the exact number of LSAs supporting students with disability because of limitations in its human resources information management system.<sup>49</sup>
- 4.7. Furthermore, while schools and stakeholders had advised that the most effective professional learning for LSAs was 'hands-on' training in the school context, working hours for LSAs limited their ability to participate in school-based professional learning and in school-based planning and preparation.<sup>50</sup>
- 4.8. The audit report found that the Education Directorate provided information about students with disability in several places on its website, but that the information was lacking in a number of respects, including accessibility, presentation and clarity of structure. The report also highlighted a lack of explicit explanation of students' rights and schools' obligations under the *Disability Standards for Education 2005*.<sup>51</sup>
- 4.9. Another reasonable adjustment that could be provided was physical accessibility modifications. The report found that the Education Directorate had mature processes for schools to access specialist furniture and equipment, but did not provide sufficient, clear and accessible information to schools or families about the minimum physical accessibility features or upgrades or specialist furniture, equipment and assistive technology available to ACT schools.<sup>52</sup>
- 4.10. The report made eight recommendations, covering the clarity and accessibility of information, processes for applying criteria for adjustments, school psychologists, needs appraisals, resource allocation, policy guidance for physical accessibility modifications, minimum standards for physical accessibility and LSA learning pathways.

## Government response and ministerial statement

- 4.11. In its response to the performance audit report, the ACT Government agreed to four recommendations and agreed in principle to the remaining four. The Government provided

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<sup>48</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 8/2023: Supports for students with disability in ACT public schools*, October 2023, p 2.

<sup>49</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 8/2023: Supports for students with disability in ACT public schools*, October 2023, pp 2, 89.

<sup>50</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 8/2023: Supports for students with disability in ACT public schools*, October 2023, pp 2–3.

<sup>51</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 8/2023: Supports for students with disability in ACT public schools*, October 2023, p 3, pp 38–39.

<sup>52</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 8/2023: Supports for students with disability in ACT public schools*, October 2023, pp 5–6; pp 82–88.

an outline of *Inclusive Education: A Disability Inclusion Strategy for ACT Public Schools 2024-2034* (the Strategy), which had been launched in December 2023. The Strategy included several actions supporting the ACT Government’s implementation of the Auditor-General’s recommendations.<sup>53</sup>

- 4.12. In a ministerial statement at the time of tabling the ACT Government’s response, the Minister for Education and Youth Affairs advised that \$9.9 million had been allocated for the Strategy’s *First Action Plan* which included funding for a team of ‘inclusion coaches’ to support teachers to implement inclusive practice. Seven inclusion coaches had been recruited and allocated to schools, initially in Tuggeranong.<sup>54</sup>
- 4.13. The Minister further noted that the *First Action Plan* included professional development for teachers, development of a needs-based funding model for students with disability, and a review of the school allied health model to ensure it was meeting the needs of students with disability.<sup>55</sup>
- 4.14. The Education Directorate had re-written website content to improve information for students and families, and further improvements would be considered in 2024.<sup>56</sup> It would consider making information about a new needs-based resource model publicly available once that model had been developed.<sup>57</sup>
- 4.15. The ACT Government also advised in its response that minimum physical accessibility standards would be identified and made available to schools and on the Education Directorate website, and an Inclusive Education Infrastructure Working Group would be established under the Strategy.<sup>58</sup>
- 4.16. Addressing the final recommendation, that a clear incremental learning pathway should be provided for LSAs, the ACT Government said that a new professional learning package for LSAs had been developed and delivered in 2023 and accessed by more than 200 staff. The Government also observed that formal professional learning was available through the LSA Scholarship Program, which provided free access to a Certificate IV in Education Support or Certificate III in Early Childhood Education and Care.<sup>59</sup>

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<sup>53</sup> ACT Government, *ACT Auditor-General’s Report No.8 of 2023 – Supports for students with disability in ACT public schools – Government Response*, tabled 20 March 2024.

<sup>54</sup> Ms Yvette Berry MLA, Minister for Education and Youth Affairs, *Schools – supports for students with disability*, Ministerial statement, *Debate Hansard*, 20 March 2024, p 406.

<sup>55</sup> Ms Yvette Berry MLA, Minister for Education and Youth Affairs, *Schools – supports for students with disability*, Ministerial statement, *Debate Hansard*, 20 March 2024, pp 406–407.

<sup>56</sup> ACT Government, *ACT Auditor-General’s Report No.8 of 2023 – Supports for students with disability in ACT public schools – Government Response*, tabled 20 March 2024, p 5.

<sup>57</sup> ACT Government, *ACT Auditor-General’s Report No.8 of 2023 – Supports for students with disability in ACT public schools – Government Response*, tabled 20 March 2024, p 6.

<sup>58</sup> ACT Government, *ACT Auditor-General’s Report No.8 of 2023 – Supports for students with disability in ACT public schools – Government Response*, tabled 20 March 2024, p 7.

<sup>59</sup> ACT Government, *ACT Auditor-General’s Report No.8 of 2023 – Supports for students with disability in ACT public schools – Government Response*, tabled 20 March 2024, p 8.

## Public hearing

- 4.17. At the public hearing on 23 May 2024, the ACT Government was asked about the school enrolment process which, although not officially requiring a formal diagnosis when informing a school of additional needs, reportedly required supporting documentation to do so. Dr Nicole Moore, Executive Branch Manager, Strategic Policy, Education Directorate, agreed that a diagnosis was not a requirement, and that the information gathered at enrolment was ‘to prepare the school for the student’. Nonetheless, as this question indicated that there may be a problem with the online form, the Education Directorate would investigate. Dr Moore acknowledged that access to some specific programs did depend on having a diagnosis, and advised the Committee that this was being revised under the Strategy:

That being said, we know that the current approach to requiring a diagnosis to access particular programs is something that the Auditor-General has picked up on as being problematic. It is something that we are looking to change under the inclusive education strategy.<sup>60</sup>

- 4.18. The Committee heard that preliminary work on development of a needs-based funding model was underway, with consultation yet to take place:

The next stage, where we start to consult on what would actually change as part of the model, is yet to happen. It is a commitment under the first action plan under the inclusion strategy. It is certainly something that we are focusing on in the first two years.<sup>61</sup>

- 4.19. The performance audit report noted that the Education Directorate did not maintain a central record of LSA participation in professional learning and could not confirm whether appropriate opportunities were accessed.<sup>62</sup> As noted above, the ACT Government’s response to the audit report observed that over 200 staff had accessed a new professional learning package delivered in 2023.<sup>63</sup> At the public hearing, the Committee heard that 317 LSAs had completed this training in 2024.<sup>64</sup> However, in response to a Question Taken on Notice during the hearing, the Education Directorate indicated that it did not record the number of LSAs pursuing teaching qualifications.<sup>65</sup>

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<sup>60</sup> Dr Nicole Moore, Executive Branch Manager, Strategic Policy, Education Directorate, *Committee Hansard*, 23 May 2024, p 25.

<sup>61</sup> Dr Nicole Moore, Executive Branch Manager, Strategic Policy, Education Directorate, *Committee Hansard*, 23 May 2024, p 27.

<sup>62</sup> ACT Audit Office, *ACT Auditor-General’s Performance Audit Report No. 8/2023: Supports for students with disability in ACT public schools*, October 2023, pp 94–95.

<sup>63</sup> ACT Government, *ACT Auditor-General’s Report No.8 of 2023 – Supports for students with disability in ACT public schools – Government Response*, tabled 20 March 2024, p 8.

<sup>64</sup> Ms Jane Simmons, Deputy Director-General, Education Directorate, *Committee Hansard*, 23 May 2024, p 30.

<sup>65</sup> Ms Yvette Berry MLA, Minister for Education and Youth Affairs, *Answer to QTON 2*, 3 May[sic] 2024, (received 3 June 2024).

## Committee comment

- 4.20. The Committee considers that the Strategy, including the move to a functional needs-based funding model, will address many of the recommendations of the Auditor-General's report.

### **Recommendation 3**

The Committee recommends that the ACT Government ensure that school enrolment processes do not require documentation supporting a diagnosis when no diagnosis is required.

## 5. Auditor-General's performance audit report 10/2023: Human Resources Information Management System (HRIMS) Program

- 5.1. A new, whole-of-government Human Resources Information Management System (HRIMS) Program was proposed in the *2017–18 ACT Budget* to replace the Chris21 system which had been in use since 2005.<sup>66</sup> A 2016 feasibility study had found that the Chris21 system did not meet the needs of ACT Government directorates and was 'fragmented, lacking functionality and at risk of failure'.<sup>67</sup>
- 5.2. The *2017–18 ACT Budget* allocated \$15 million to the project.<sup>68</sup> Additional funding of \$49.59 million was approved in the *2019–2020 ACT Budget*. With delivery of the HRIMS Program 'significantly behind schedule', the project was 'reset' in August 2021, and a review carried out in December 2021. The cost of the review was \$214,049.<sup>69</sup>
- 5.3. Phase One of a proposed two-phase process to 'gain a greater understanding of the most effective and efficient way forward to build on the work undertaken to date', at an additional cost of \$3.7 million, was approved in the *2022–23 ACT Budget*.<sup>70</sup>
- 5.4. The preferred option developed by Phase One recommended the closure of the HRIMS Program and establishment of a program focussing on only 'essential elements' of human resources capability. This was agreed to and the *2023–24 ACT Budget* provided for a total additional spend of \$34.52 million, of which \$16.44 million was provided in the 2023–24 financial year.<sup>71</sup>
- 5.5. As of 30 June 2023, actual expenditure on the HRIMS Program was \$77.63 million, excluding Goods and Services Tax (GST).<sup>72</sup>

### Audit Report

- 5.6. The Auditor-General concluded that 'The HRIMS Program was a significant failure for the Territory.'<sup>73</sup>

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<sup>66</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, p 19.

<sup>67</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, p 22.

<sup>68</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, p 41.

<sup>69</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, pp 44–45.

<sup>70</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, pp 46–48.

<sup>71</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, p 49.

<sup>72</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, p 49.

<sup>73</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, p 1.

- 5.7. The audit examined the planning, governance and administrative arrangements of the HRIMS program, as well as the contract management arrangements with the implementation partner. Stakeholder engagement and management arrangements were also considered as a 'key feature' of the audit.<sup>74</sup>
- 5.8. The audit did not consider the rationale for undertaking the project, the merits of the business cases, effectiveness of any aspects of the HRIMS program that had been developed and delivered, or whether the decision to pause implementation and 'reset' the program was appropriate.<sup>75</sup>
- 5.9. The performance audit report's overall conclusion noted that only one module of the HRIMS Program, the Learning Management System, had been delivered, and said that every aspect of the project including planning, governance and administration and management arrangements was 'characterised by multiple failures at all levels'.<sup>76</sup>

## Planning

- 5.10. The audit report noted the complexity of the industrial relations environment within the ACT Public Service, observing that 18 Enterprise Agreements were in force at the time of the report, with several different expiry dates, and that the current payroll system processed 5,213 payroll calculation rules and over 11,000 leave type rules. In addition, there were differences in interpretation of these rules and tolerance levels between directorates. The audit observed that such variations embedded in Enterprise Agreements could not be changed without amending the agreements, a formal process requiring the cooperation and agreement of several parties.<sup>77</sup>
- 5.11. The differences in these agreements had been identified as a risk in planning for the HRIMS Program, but the audit report concluded that the significance of this risk and amount of work required to achieve a standardised approach across all directorates had been underestimated. Furthermore, the ACT Audit Office quoted the firm EY's response to the draft audit report as asserting that, from the outset, directorates had not supported a standardised approach:

...Territory directorates made it clear that they were not supportive of a whole of government approach to Time & Attendance at the inception of the HRIMS Program.<sup>78</sup>

- 5.12. The Territory had failed to account for the complex industrial relations environment within the ACT Public Service when developing and implementing the HRIMS Program, and did

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<sup>74</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, p 28.

<sup>75</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, p 29.

<sup>76</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, p 1.

<sup>77</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, pp 60–62.

<sup>78</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, p 62.

not have a 'clearly defined, complete and accurate business model' supported by stakeholders.<sup>79</sup>

- 5.13. The audit noted that two Program Plans were prepared but were never finalised, approved, or endorsed by stakeholders, and that complexities and risks associated with the harmonisation goal were therefore not appropriately planned for:

By not having a finalised and approved Program Plan, the risk of ineffective management, execution and control of the HRIMS Program increased significantly.<sup>80</sup>

## Governance and Administration

- 5.14. The audit report concluded that 'Governance and administrative arrangements for the HRIMS Program were poor'.<sup>81</sup>
- 5.15. Three different sets of governance structures were in place over the life of the program, and the HRIMS Program Board and HRIMS Steering Committee exchanged titles without any effect on their respective responsibilities.<sup>82</sup>
- 5.16. The ACT Audit Office found that governance arrangements were considered ineffective by members of the Program Board and Steering Committee themselves, who reported unclear understanding of their roles, reluctance by the bodies to make critical decisions, and unclear documentation for meetings often provided with insufficient notice.<sup>83</sup>
- 5.17. Under the third set of governance arrangements, in place from March 2021 until the 'reset' later that year, the HRIMS Steering Committee was attended by an average of 25 people, who often did not reach a consensus.<sup>84</sup>
- 5.18. The audit report noted that a Quality Management Plan was drafted for the HRIMS Program and provided information on potential program assurance activities. Despite there being no evidence that this plan had been reviewed and endorsed by the HRIMS Program Board or the HRIMS Steering Committee, some assurance activities were undertaken. These included a number of reviews, whose outcomes were reported to the Senior Responsible Owner, but do not appear to have been shared with the governance bodies.<sup>85</sup>

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<sup>79</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, pp 51, 65.

<sup>80</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, pp 51, 56.

<sup>81</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, p 71.

<sup>82</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, pp 77–80.

<sup>83</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, p 81.

<sup>84</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, p 82.

<sup>85</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, p 88.

- 5.19. The Strategic Board, chaired by the Head of Service, is described as ‘the peak ACT Public Service forum that leads the delivery of cross-directorate and strategic issues’.<sup>86</sup> The audit report found that papers were submitted by the HRIMS Program to the Strategic Board on six occasions between November 2018 and November 2021, but that the Strategic Board received no formal advice on the HRIMS Program’s performance between June 2019 and April 2021. During this time, the HRIMS Program engaged EY as the Implementation Partner for the project and planned to deliver most of the activities set out in the draft Program Plans. When the HRIMS Program did report to the Strategic Board in April 2021, it advised that the program had experienced ‘significant slippage’.<sup>87</sup>
- 5.20. The performance audit report concluded that the HRIMS Program was not effectively oversighted by the Strategic Board.<sup>88</sup>

### Contract Management

- 5.21. The performance audit report rated the Territory’s planning for and management of the contract with EY as Implementation Partner as ‘poor’.<sup>89</sup>
- 5.22. While EY was identified as ‘accountable’ for 60 of the 74 contracted deliverables, and the Territory as ‘accountable’ for the remaining 14, both parties were equally ‘responsible’ for 56 of the deliverables. The audit report observed that this meant that it was unclear which party was ultimately responsible for taking the lead on each deliverable.<sup>90</sup>
- 5.23. High-level requirements for a Performance Management Framework were outlined in the Work Order and Statement of Work, but practical details were to be developed later. Because these details were not agreed from the outset, the audit report assessed that the Territory was hampered in its subsequent efforts to implement robust performance management practices.<sup>91</sup>
- 5.24. One deliverable for which the Territory was ‘accountable’ but both the Territory and EY were ‘responsible’ was development of a Contract Management Plan. Two such plans were drafted by a Territory official, for management of the Head Agreement and the Work Order. Neither plan was finalised or endorsed, reportedly because agreement could not be reached with EY ‘specifically in relation to performance management’.<sup>92</sup>
- 5.25. The performance audit report found that, regardless of endorsement status, the Contract Management Plans were ineffective due to a lack of sufficient detail. The audit found no

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<sup>86</sup> ACT Government, Digital Strategy – Government, [Future Government - Digital Strategy \(act.gov.au\)](https://act.gov.au) (accessed 18 July 2024).

<sup>87</sup> ACT Audit Office, *ACT Auditor-General’s Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, pp 89–90.

<sup>88</sup> ACT Audit Office, *ACT Auditor-General’s Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, p 91.

<sup>89</sup> ACT Audit Office, *ACT Auditor-General’s Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, p 105.

<sup>90</sup> ACT Audit Office, *ACT Auditor-General’s Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, p 105.

<sup>91</sup> ACT Audit Office, *ACT Auditor-General’s Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, p 105.

<sup>92</sup> ACT Audit Office, *ACT Auditor-General’s Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, p 117.

evidence that the Territory had used either of the plans to guide management of the contract.<sup>93</sup>

- 5.26. Three monthly performance reviews were carried out between September and November 2019. Each review comprised an initial self-assessment by EY, followed by an assessment by the Territory. These assessments increasingly diverged, with the Territory initially matching EY's self-assessment, but in later reviews identifying lower scores. The audit report noted that this contributed to 'increasing tension' between the parties, and that in March 2020 the performance review process was revised to remove the scoring element and 'focus on the issues and proposed remedies', only requiring responses 'where required'.<sup>94</sup>
- 5.27. The Auditor-General made one recommendation in the performance audit report, that the ACT Government should advise the Legislative Assembly of its plan to address the failures identified by the performance audit:

The ACT Government should table a response in the ACT Legislative Assembly that provides a comprehensive plan that details the actions to be taken by the Territory to address the failures identified in this report.

## Government response

- 5.28. The ACT Government's response to the Auditor-General's report was tabled in the Legislative Assembly on 6 February 2024. It agreed to the report's recommendation.
- 5.29. The ACT Government noted that it had commissioned 'a series of reviews' of the HRIMS Program, including a design review by SAP in 2021, a program review by Deloitte in 2022, and *Positioning for Success in Complex Implementations* (the Leeper Report) in 2023. These reviews and a set of revised requirements from the ACT Public Service had informed a new program to deliver payroll and human resources management, the 'payroll and human resource management program (PC-HRM)', funded through the 2023–24 budget.<sup>95</sup>

## Planning

- 5.30. The ACT Government claimed in its response that inadequacies in its overall approach to planning had been addressed by approval of *Guiding Best Practice Design and Delivery*,<sup>96</sup> which outlined 'the minimum set of activities to be undertaken for any project with a technology component and advice on what executive sponsors and Board members should expect to see.' The first step of this approach, creation of an 'outcome statement' was

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<sup>93</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, p 117.

<sup>94</sup> ACT Audit Office, *ACT Auditor-General's Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, December 2023, p 122.

<sup>95</sup> ACT Government, *Government Response to the ACT Audit Office Report No 10/2023 – Human Resources Information Management System (HRIMS) Program*, tabled 6 February 2024, pp 4–5.

<sup>96</sup> ACT Government, Digital, [https://www.cmtedd.act.gov.au/\\_data/assets/pdf\\_file/0003/2384652/Guiding-Best-Practice-Design-and-Development\\_April23\\_for-publication.pdf](https://www.cmtedd.act.gov.au/_data/assets/pdf_file/0003/2384652/Guiding-Best-Practice-Design-and-Development_April23_for-publication.pdf), (accessed 23 July 2024).

intended to ‘ensure there is a clear and common objective to allow for appropriate planning’.<sup>97</sup>

- 5.31. Planning for the PC-HRM Project had included identification of realistic and viable options, dedicated governance agreed by all involved, privacy impact statements, and risk assessments. The ACT Government response asserted that this approach would ensure a ‘consistent and thorough best practice approach’ to prevent a recurrence of the ‘challenges’ encountered in the HRIMS Program.<sup>98</sup>
- 5.32. The Deputy Director-General of the Office of Industrial Relations and Workforce Strategy had been designated as ‘Business Outcome Owner’ for the PC-HRM Project, and would be accountable to the Special Minister of State for ensuring that the program met directorates’ business needs.<sup>99</sup>
- 5.33. The Chief Digital Officer would also henceforth approve ‘any advice to Government on budget proposals with technology components’, and was included in the Budget Assessment Sub-Group, a cross-government committee advising the ACT Government on budget decisions involving technology investment.<sup>100</sup>
- 5.34. In addition, a ‘First Pass’ approval process for initiatives involving technology components was to be implemented in 2024. The ACT Government said that this process would ensure robust analysis was undertaken before the start of the ‘investment lifecycle’ and would better inform the development of business cases and advice to the ACT Government.<sup>101</sup>

## Governance and administration

- 5.35. The ACT Government response acknowledged that all reviews and the Auditor-General’s report had identified problems with the governance and administrative arrangements of the HRIMS Program, and that there was ‘uncertainty’ about roles and responsibilities as well as reluctance to make critical decisions.<sup>102</sup>
- 5.36. The establishment of the Office of Industrial Relations and Workforce Strategy as a single business unit was intended to address these findings. The ACT Government advised that the Office would support consistent and collaborative development of strategy, industrial relations, workplace health and safety, employment policy and governance, as well as being the whole-of-government Payroll Capability service provider.<sup>103</sup>

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<sup>97</sup> ACT Government, *Government Response to the ACT Audit Office Report No 10/2023 – Human Resources Information Management System (HRIMS) Program*, tabled 6 February 2024, p 6.

<sup>98</sup> ACT Government, *Government Response to the ACT Audit Office Report No 10/2023 – Human Resources Information Management System (HRIMS) Program*, tabled 6 February 2024, p 6.

<sup>99</sup> ACT Government, *Government Response to the ACT Audit Office Report No 10/2023 – Human Resources Information Management System (HRIMS) Program*, tabled 6 February 2024, p 7.

<sup>100</sup> ACT Government, *Government Response to the ACT Audit Office Report No 10/2023 – Human Resources Information Management System (HRIMS) Program*, tabled 6 February 2024, p 8.

<sup>101</sup> ACT Government, *Government Response to the ACT Audit Office Report No 10/2023 – Human Resources Information Management System (HRIMS) Program*, tabled 6 February 2024, p 9.

<sup>102</sup> ACT Government, *Government Response to the ACT Audit Office Report No 10/2023 – Human Resources Information Management System (HRIMS) Program*, tabled 6 February 2024, p 9.

<sup>103</sup> ACT Government, *Government Response to the ACT Audit Office Report No 10/2023 – Human Resources Information Management System (HRIMS) Program*, tabled 6 February 2024, p 9.

- 5.37. In its response, the ACT Government outlined the role and responsibilities of the PC-HRM Board and its members, including the Business Outcome Owner, Chief Digital Officer, Program Director and Senior Responsible Owner.<sup>104</sup>

### Contract management

- 5.38. The ACT Government advised that *Guiding Best Practice Design and Delivery* would be updated in 2024 to include guidelines for establishing a 'single source of truth' for a project and for establishing dedicated multi-disciplinary teams as part of an integrated program organisation structure. It would also establish an ACT standard for project reporting and provide guidance on 'stage gates' for projects, the first of which should be agreement to a 'single integrated project plan and schedule'.<sup>105</sup>

- 5.39. The ACT Government also said in its response that the Procurement Reform Program, commenced in July 2022, addressed issues identified in the performance audit report and would improve public procurement:

This work ... will drive positive change to deliver efficient, effective, and accountable business outcomes, meet the policy objectives of Government, and otherwise strengthen procurement practices across the ACT Public Service.<sup>106</sup>

- 5.40. The Procurement Reform Program would be completed by mid-2025, with progress on implementation of the program available on a dedicated page on Procurement ACT's website.<sup>107</sup>

- 5.41. Legislative changes introduced by the Government Procurement Amendment Bill 2023 to support recommendations of the *ACT Auditor-General's Performance Audit Report No. 5/2023: Activities of the Government Procurement Board*, as described in Chapter 2 above, would also address the contract management and procurement governance issues identified in the *ACT Auditor-General's Performance Audit Report No. 10/2023: Human Resources Information Management System (HRIMS) Program*, the ACT Government said.<sup>108</sup>

- 5.42. The ACT Government response further indicated that training would be provided in 2024 for 'senior leaders, project managers, and members of project teams' as part of a 'skills uplift'. This training would cover several aspects of project management and governance, including:

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<sup>104</sup> ACT Government, *Government Response to the ACT Audit Office Report No 10/2023 – Human Resources Information Management System (HRIMS) Program*, tabled 6 February 2024, pp 9–11.

<sup>105</sup> ACT Government, *Government Response to the ACT Audit Office Report No 10/2023 – Human Resources Information Management System (HRIMS) Program*, tabled 6 February 2024, pp 11, 14–15.

<sup>106</sup> ACT Government, *Government Response to the ACT Audit Office Report No 10/2023 – Human Resources Information Management System (HRIMS) Program*, tabled 6 February 2024, p 12.

<sup>107</sup> ACT Government, *Government Response to the ACT Audit Office Report No 10/2023 – Human Resources Information Management System (HRIMS) Program*, tabled 6 February 2024, p 13.

<sup>108</sup> ACT Government, *Government Response to the ACT Audit Office Report No 10/2023 – Human Resources Information Management System (HRIMS) Program*, tabled 6 February 2024, pp 12–13.

- reinforcement of the Best Practice Design and Delivery guidance as a key tool to assist in the successful delivery of initiatives;
- good governance and responsibilities of project board members;
- setting up project plans and establishing a project schedule;
- project reporting and the standard template;
- how to develop current and future state business processes;
- how to identify, manage, and measure benefits; and
- establishing and managing project stage gates.<sup>109</sup>

- 5.43. A formal process for whole-of-government information and computer technology strategic planning and prioritisation was being developed to ensure investments aligned with existing systems, policies and strategies and delivered services and outcomes to the benefit of ACT residents and businesses.<sup>110</sup>
- 5.44. The ACT Government also advised that it had begun to establish an Enterprise Project Management Office, based on ‘a range of better practice guides and standards’, to support the ‘project, program and portfolio management ecosystem’.<sup>111</sup>

## Public hearing

- 5.45. During the public hearing on 23 May 2024, the Committee asked whether the HRIMS Program had led to disruption or adverse impact with directorates attempting to adapt their systems to meet a technological need. In response, the Acting Auditor-General advised that, to the knowledge of the ACT Audit Office, no systems had been adapted for HRIMS because there had been no agreement on the future state of those systems:

A lot of effort had gone into trying to understand what the business processes were, to work out where those processes could be aligned, or perhaps not aligned and where individual directorate or agency practices might continue. A great deal of discussion went into that, but that was never resolved and a future state was not agreed to.<sup>112</sup>

- 5.46. The ACT Government told the Committee on 30 May 2024 that, although reviews had identified ‘governance issues at a range of different levels’ in the HRIMS Program, ‘no one particular person’ was responsible for those issues.<sup>113</sup>

<sup>109</sup> ACT Government, *Government Response to the ACT Audit Office Report No 10/2023 – Human Resources Information Management System (HRIMS) Program*, tabled 6 February 2024, p 14.

<sup>110</sup> ACT Government, *Government Response to the ACT Audit Office Report No 10/2023 – Human Resources Information Management System (HRIMS) Program*, tabled 6 February 2024, p 15.

<sup>111</sup> ACT Government, *Government Response to the ACT Audit Office Report No 10/2023 – Human Resources Information Management System (HRIMS) Program*, tabled 6 February 2024, p 15.

<sup>112</sup> MR Brett Stanton, Acting ACT Auditor-General, *Committee Hansard*, 23 May 2024, p 19.

<sup>113</sup> Mr Chris Steel MLA, Special Minister of State, *Committee Hansard*, 30 May 2024, p 47; Exhibit 1, *Correspondence from Minister Steel*, 28 June 2024.

- 5.47. Different Ministers had had oversight of the HRIMS Program over the life of the project.<sup>114</sup> In response to a Question Taken on Notice during hearings of the Select Committee on Estimates 2024–25, the Chief Minister advised that the following Ministers had responsibility for the program:

Responsibilities	Minister	Dates Responsible
Chief Digital Officer	Chief Minister	July 2017 – August 2019
Chief Digital Officer and Digital Strategy	Chief Minister	August 2019 – November 2020
Chief Digital Officer, Digital and Data Strategy, including Cyber security	Special Minister of State	November 2020 – June 2023
Shared services, including transactional services and ICT services	Treasurer	July 2017 – August 2018
Shared services, including transactional services and ICT services	Minister for Government Services and Procurement	August 2018 – November 2020
Shared services, including transactional services and ICT services	Special Minister of State	November 2020 – June 2023

Figure 1 Source: Mr Andrew Barr MLA, Chief Minister, *Answer to QTON 029*, Select Committee on Estimates 2024–25.

- 5.48. The ministerial positions listed by the Chief Minister were assigned as follows:

Minister	Date	Office holder
Chief Minister	July 2017 – August 2019	Mr Andrew Barr MLA
Chief Minister	August 2019 – November 2020	Mr Andrew Barr MLA
Special Minister of State	November 2020 – June 2023	Mr Chris Steel MLA <sup>115</sup>
Treasurer	July 2017 – August 2018	Mr Andrew Barr MLA <sup>116</sup>
Minister for Government Services and Procurement	August 2018 – November 2020	Ms Rachel Stephen-Smith MLA (27 August 2018 – 30 June 2019) <sup>117</sup> Mr Gordon Ramsay MLA (1 July 2019 – 25 August 2019) <sup>118</sup> Ms Suzanne Orr MLA (26 August 2019 – 3 November 2020) <sup>119</sup>

<sup>114</sup> Mr Chris Steel MLA, Special Minister of State, *Committee Hansard*, 30 May 2024, p 49.

<sup>115</sup> Australian Capital Territory (Self-Government) Ministerial Appointment 2020 (No 2)(Repealed); Australian Capital Territory (Self-Government) Ministerial Appointment 2021 (No 1)(Repealed); Australian Capital Territory (Self-Government) Ministerial Appointment 2022 (No 1)(Repealed); Australian Capital Territory (Self-Government) Ministerial Appointment 2022 (No 2)(Repealed).

<sup>116</sup> Australian Capital Territory (Self-Government) Ministerial Appointment 2017 (No 1)(Repealed).

<sup>117</sup> Australian Capital Territory (Self-Government) Ministerial Appointment 2018 (No 1)(Repealed).

<sup>118</sup> Australian Capital Territory (Self-Government) Ministerial Appointment 2019 (No 1)(Repealed).

<sup>119</sup> Australian Capital Territory (Self-Government) Ministerial Appointment 2019 (No 2)(Repealed); Australian Capital Territory (Self-Government) Ministerial Appointment 2020 (No 1)(Repealed).

- 5.49. The Committee heard that the position of Chief Digital Officer had been established when the HRIMS Program was being developed as a business case.<sup>120</sup> As a consequence of this position being established, the ACT Government now had a higher level of expert advice on information and computer technology matters.<sup>121</sup>
- 5.50. In response to a Question Taken on Notice on 23 May 2024, the ACT Audit Office advised that the Program Sponsor for the HRIMS Program at commencement was the then Under Treasurer. This role had been held by several people since the program commenced in 2017. However, as the performance audit had concluded that ‘every aspect of the HRIMS Program ... was characterised by multiple failures at all levels’, the Audit Office considered that it would be reasonable to conclude that the Director-General of the directorate responsible for delivering the HRIMS program was the responsible person.<sup>122</sup>

### Committee Comment

- 5.51. The Committee considers that the failure of the HRIMS Program is an example of a profound lack of accountability and failure of governance in the ACT Public Service. The Committee is concerned that, despite the government indicating it has learned multiple lessons from the issues and challenges revealed by this failure, it has been difficult to identify anyone directly accountable for delivery of the program within the ACT Public Service, and no Minister has accepted responsibility for the failure.
- 5.52. The Committee considers that it is important to establish a strong culture of accountability in the ACT Public Service, at every level.

#### Recommendation 4

The Committee recommends that the Chief Minister strengthen and clarify the Ministerial Code of Conduct to ensure that Ministers actively seek to prevent, and are held accountable for, any significant mismanagement within their portfolio.

- 5.53. The Committee does not seek to apportion punitive blame, but rather to encourage personal accountability as an inherent feature of responsible government. Individuals in positions of power within public administration, whether elected or not, must be answerable for their actions, and be open to redirection or sanction.
- 5.54. While the ACT Government’s actions in strengthening the procurement process are positive, as noted in Chapter 2 above, the Committee is of the opinion that continued scrutiny and vigilance is required to ensure that a failure such as the HRIMS Program does not occur again.

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<sup>120</sup> The ACT’s first Chief Digital Officer took office on August 17, 2015. Talib Haider, ABC News, *Canberra assigned Chief Digital Officer to improve economy, guide ACT Government’s strategy*, 24 July 2015, [Canberra assigned Chief Digital Officer to improve economy, guide ACT Government’s strategy - ABC News](#) (accessed 24 July 2024).

<sup>121</sup> Ms Kathy Leigh, *Committee Hansard*, 30 May 2024, pp 47–48.

<sup>122</sup> ACT Audit Office, *Answer to QTON 1*, 31 May 2024.

### **Recommendation 5**

The Committee recommends that the annual staff census of all public sector entities include questions concerning confidence in the good governance of the directorate or other organisation, and the culture of accountability among senior leaders.

### **Recommendation 6**

The Committee recommends that the ACT Government designate the Head of Service as the officer responsible for a culture of accountability at all levels in the ACT Public Service, with particular focus on the ACT Public Service Senior Leadership.

### **Recommendation 7**

The Committee recommends that the Head of Service develop a plan to improve and enhance accountability in the ACT Public Service and provide an annual update to the Public Accounts Committee on actions against the plan.

- 5.55. The Committee is of the opinion that the Chief Minister, as responsible Minister for the ACT Public Service, should take an active role in ensuring that a culture of accountability is established and flourishing in the ACT Public Service, and should report to the Assembly on ACT Public Service governance and accountability on an annual basis.

### **Recommendation 8**

The Committee recommends that the Chief Minister, as the responsible Minister, set clearly defined performance objectives for the Head of Service and actively manage the performance of the Head of Service to ensure governance in the ACT Public Service is fit for purpose and for the culture of accountability of the ACT Public Service as a whole.

### **Recommendation 9**

The Committee recommends that the Chief Minister be required to deliver an annual Ministerial Statement on the state of governance and accountability in the ACT Public Service, including at a minimum, reporting on the Head of Service accountability plan, and disclosure of significant procurement or project performance issues which have been identified during the reporting period.

## 6. Conclusion

- 6.1. The Committee would like to thank the ACT Audit Office, the Special Minister of State, the Minister for Aboriginal and Torres Strait Islander Affairs, the Minister for Education and Youth Affairs, and their respective officials for their participation in this inquiry.
- 6.2. The Committee makes nine recommendations in this report.

Mr Ed Cocks MLA  
Chair  
September 2024

## Appendix A: Submissions

No.	Submission by	Received	Published
1	ACT Government - HRIMS	04/04/24	17/04/24
2	ACT Government – Government Procurement Board	09/04/Y24	17/04/24

## Appendix B: Witnesses

### Wednesday, 22 May 2024

**Ms Rachel Stephen-Smith MLA**, Minister for Aboriginal and Torres Strait Islander Affairs

**Ms Jacinta Evans**, Executive Group Manager, Strategic Policy, Community Services Directorate

**Mr Brendan Moyle**, Executive Branch Manager, Strategic Policy, Community Services Directorate

### Thursday, 23 May 2024

#### ACT Audit Office

**Mr Brett Stanton**, Acting Auditor-General

- **Ms Laura Thomas**, Audit Principal, Performance Audits

**Ms Yvette Berry MLA**, Minister for Education and Youth Affairs

- **Dr Nicole Moore**, Executive Branch Manager, Strategic Policy, Education Directorate
- **Mr John Nakkam**, Executive Branch Manager, Assessment Management and Delivery, Education Directorate
- **Ms Jane Simmons**, Deputy Director-General, Education Directorate

### Thursday, 30 May 2024

**Mr Chris Steel MLA**, Special Minister of State

- **Ms Lisa Carmody**, Deputy Director-General, Office of Industrial Relations and Workforce Strategy, Chief Minister, Treasury and Economic Development Directorate
- **Mr Rishi Dutta**, Executive Group Manager, Customer Data and Technology, Chief Minister, Treasury and Economic Development Directorate
- **Ms Joanne Gardner**, Executive Branch Manager, Procurement Policy and Capability, Treasury, Chief Minister, Treasury and Economic Development Directorate
- **Ms Kathy Leigh**, Head of Service and Director-General, Chief Minister, Treasury and Economic Development Directorate
- **Ms Sanaz Mirzabegian**, Executive Group Manager, Procurement ACT, Treasury, Chief Minister, Treasury and Economic Development Directorate
- **Mr Mark Whybrow**, Executive Group Manager, Finance Procurement and Contracts, Chief Minister, Treasury and Economic Development Directorate

## Appendix C: Questions on Notice and Questions Taken on Notice

### Questions on Notice

No.	Date	Asked of	Subject	Response received
1	30/05/24	Mr Steel	HRIMS governance arrangements	13/06/24
2	30/05/24	Mr Steel	HRIMS contractor Projects Assured	14/06/24
3	30/05/24	Mr Steel	HRIMS procurement	13/06/24
4	30/05/24	Mr Steel	HRIMS and decommissioning HR systems	13/06/24
5	30/05/24	Mr Steel	HRIMS contractor Spinifex IT	13/06/24
6	30/05/24	Mr Steel	HRIMS costings	14/06/24
7	30/05/24	Mr Steel	Ministers overseeing HRIMS	14/06/24
8	30/05/24	Mr Steel	HRIMS tender process	13/06/24
9	30/05/24	Mr Steel	Procurement ACT	13/06/24
10	30/05/24	Mr Steel	CHRIS21 upgrade implementation	14/06/24

### Questions Taken on Notice

No.	Date	Asked of	Subject	Response received
1	23/05/24	Mr Stanton	HRIMS program manager	31/05/24
2	23/05/24	Ms Berry	Learning Support Assistants pursuing teaching qualifications	03/06/24
3	30/05/24	Mr Steel	Referrals to Integrity Commission	07/06/24
4	30/05/24	Mr Steel	Frequency of briefings on HRIMS	07/06/24
5	30/05/24	Mr Steel	Processing limit of the CHRIS21 payroll system	07/06/24
6	30/05/24	Mr Steel	CHRIS21 discounting details	11/06/24

## 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.

<b>Gender indication</b>	<b>Total</b>
Female	10
Male	6