



**Legislative Assembly for the  
Australian Capital Territory**

Standing Committee on Public Accounts

# **Inquiry into Annual and Financial Reports 2021-2022**

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

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Approved for publication

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Report 13  
10th Assembly  
March 2023



# 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
- Treasury including taxation and revenue

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

## Committee members

Mrs Elizabeth Kikkert MLA, Chair

Mr Michael Pettersson MLA, Deputy Chair

Mr Andrew Braddock MLA

## Secretariat

Ms Sophie Milne, Committee Secretary (from 18 November 2022)

Ms Joanne Cullen, Committee Secretary (until 18 November 2022)

Mr Nick Byrne, Assistant Secretary

Ms Batool Abbas, Administrative Assistant

## Contact us

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## About this inquiry

Clause 3A of the establishing resolution refers all calendar and financial year annual and financial reports for 2021-2022 to the relevant standing committee for inquiry and report by 9 April 2023 of the year after the presentation of the report to the Assembly pursuant to the *Annual Reports (Government Agencies) Act 2004*.

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# Acronyms

Acronym	Long form
ACT	Australian Capital Territory
CMTEDD	Chief Minister, Treasury and Economic Development Directorate
COVID-19	Coronavirus Disease 2019, caused by the novel coronavirus SARS-CoV-2
ICRC	Independent Competition and Regulatory Commission
MLA	Member of the Legislative Assembly
MPC	Major Projects Canberra
OLA	Office of the Legislative Assembly for the ACT

# Recommendations

## Recommendation 1

The Committee recommends that the Office of the Legislative Assembly continue to implement the Laing Review.

## Recommendation 2

The Committee recommends that the Office of the Legislative Assembly upgrade end of trip facilities in the Assembly.

## Recommendation 3

The Committee recommends that the ACT Government publish a plan and timeline for the remainder of the tax reform program to 2032.

## Recommendation 4

The Committee recommends that the ACT Government report on interstate movement of businesses between Canberra and the wider region.

## Recommendation 5

The Committee recommends the ACT Government routinely make their submission to Standard & Poor's credit rating assessment available to the general public.

## Recommendation 6

The Committee recommends Major Projects Canberra expand on its 'projects pipeline' webpage, by publishing an up-to-date status dashboard of all projects underway.

## Recommendation 7

The Committee recommends that the ACT Government provide more detailed information on infrastructure under- and over-spend in its reporting on the Capital Works Program each quarter.



# 1. Introduction

## Presentation of 2021-22 annual and financial reports

- 1.1. All annual and financial reports for the territory were tabled between 12 October 2022<sup>1</sup> and 13 October 2022<sup>2</sup> in the Legislative Assembly. A collated list of annual and financial reports is available online.<sup>3</sup>
- 1.2. During its inquiry the Standing Committee on Public Accounts was required to examine all or part of the following annual and financial reports for 2021-2022:
  - ACT Audit Office
  - Chief Minister, Treasury and Economic Development Directorate
  - Icon Water
  - Independent Competition and Regulatory Commission
  - Major Projects Canberra
  - Office of the Legislative Assembly

## Conduct of inquiry

- 1.3. The Committee's inquiry was undertaken amid the continuing COVID-19 pandemic. In light of this, all annual and financial report hearings were conducted in the Legislative Assembly Chamber to allow for appropriate social distancing and other control measures. Witnesses were also able to attend via Webex.

## Public hearings

- 1.4. The Committee held public hearings on 2 November 2022 and 4 November 2022. At the hearings the Committee heard from ACT Government Ministers, the Speaker and Clerk of the Legislative Assembly, Officers of the Legislative Assembly, and each of their respective accompanying officials.
- 1.5. Witnesses who appeared before the Committee are listed at Appendix A. Transcripts from the hearings are available on the Assembly website. Footage of the hearings is available via video on demand on the Legislative Assembly website.

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<sup>1</sup> Legislative Assembly for the ACT, *Minutes of Proceedings*, No 61, 12 October 2022, p 839.

<sup>2</sup> Legislative Assembly for the ACT, *Minutes of Proceedings*, No 62, 13 October 2022, pp 849–850.

<sup>3</sup> Chief Minister, Treasury, and Economic Development Directorate, *Annual Reports*, 2 December 2021, [https://www.cmtedd.act.gov.au/open\\_government/report/annual-reports](https://www.cmtedd.act.gov.au/open_government/report/annual-reports) (accessed 3 November 2022).

## Questions taken on notice at hearings and questions placed on notice

- 1.6. A total of 10 questions were lodged during the inquiry, 7 questions were taken on notice by Ministers and statutory office holders during the hearings, and 3 questions on notice were submitted by Committee Members and visiting MLAs following the hearings.
- 1.7. The answers to questions, and a list of questions (by subject, submitter, recipient) are available at Appendix B, and on the inquiry webpage.

## Acknowledgements

- 1.8. The Committee thanks everyone who participated in, or otherwise assisted, this inquiry. This includes the ACT Government Ministers, Directorate officials, and statutory officers. The Committee extends a special thanks to the Hansard and Broadcasting staff of the Office of the Legislative Assembly.

## 2. Officers of the Legislative Assembly

- 2.1. The Auditor-General is an Officer of the Legislative Assembly. Officers of the Legislative Assembly are not subject to the direction of the Executive and are independent from government. Scrutiny of these officers is performed by the committees of the Assembly.

### ACT Auditor-General

- 2.2. The ACT Auditor-General is an independent Officer of the ACT Legislative Assembly. The ACT Audit Office supports the Auditor-General in carrying out his activities. The Audit Office aims to promote public accountability for the effective and efficient provision of ACT public services by providing independent, evidence-based audit reports to the ACT Legislative Assembly and ACT Community.

### Matters considered

- 2.3. The Committee discussed the following matters during the Auditor-General's appearance before the Committee on 2 November 2022:
- Procurement;<sup>4</sup>
  - Staff vacancies;<sup>5</sup>
  - Annual report financial statement accuracy;<sup>6</sup>
  - Acton waterfront project;<sup>7</sup>
  - Staff survey;<sup>8</sup>
  - Performance measures;<sup>9</sup> and
  - The Parkwood report.<sup>10</sup>

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<sup>4</sup> *Committee Hansard*, 2 November 2022, p 1 - 3.

<sup>5</sup> *Committee Hansard*, 2 November 2022, p 3 - 4.

<sup>6</sup> *Committee Hansard*, 2 November 2022, p 4.

<sup>7</sup> *Committee Hansard*, 2 November 2022, p 4 - 5 and p 7.

<sup>8</sup> *Committee Hansard*, 2 November 2022, p 5 - 6.

<sup>9</sup> *Committee Hansard*, 2 November 2022, p 6.

<sup>10</sup> *Committee Hansard*, 2 November 2022, p 7.

### 3. Office of the Legislative Assembly

- 3.1. The Office of the Legislative Assembly (OLA) is established under the *Legislative Assembly (Office of the Legislative Assembly) Act 2012* (the Act). The Office is independent from the Executive. Under section 6 of the Act, the Office's function is to provide impartial advice and support to the Legislative Assembly and committees and members of the Assembly.

#### Matters considered

- 3.2. The Committee discussed the following matters during the appearance of the Speaker of the Legislative Assembly for the ACT on 2 November 2022:
- Work safe ACT Prohibition Notice;<sup>11</sup>
  - Laing review;<sup>12</sup>
  - Work health and safety arrangements in the Assembly;<sup>13</sup>
  - Work health and safety audit recommendations;<sup>14</sup>
  - Digital transformation project;<sup>15</sup> and
  - Building projects and upgrades.<sup>16</sup>

#### Key Issues

##### Laing review

- 3.3. In early 2021, the Standing Committee on Administration and Procedure engaged Dr Rosemary Laing, former Clerk of the Australian Senate, to conduct a review of the committee support function within OLA. This report was finalised in 2021 and is commonly known as 'the Laing Review'.<sup>17</sup>
- 3.4. The Laing Review suggested that the Committee Support office be re-structured and granted additional resourcing. The Clerk, during the hearing on 2 November 2022, advised the Committee that additional funding had been allocated for this purpose:

We received an appropriation for an increase in funding for the committee office, to 15 staff. Unfortunately, we have not recruited to the 15 staff. I think we are still short of that 15 target, but we are actively recruiting to try and fill those committee position.<sup>18</sup>

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<sup>11</sup> *Committee Hansard*, 2 November 2022, p 9 - 12.

<sup>12</sup> *Committee Hansard*, 2 November 2022, p 12.

<sup>13</sup> *Committee Hansard*, 2 November 2022, p 12 - 14.

<sup>14</sup> *Committee Hansard*, 2 November 2022, p 14 - 15.

<sup>15</sup> *Committee Hansard*, 2 November 2022, p 15 - 16.

<sup>16</sup> *Committee Hansard*, 2 November 2022, p 16.

<sup>17</sup> Dr Rosemary Laing, *Review of the Committee Support Function: Report to the Standing Committee on Administration and Procedure*, August 2021.

<sup>18</sup> Mr Tom Duncan, Clerk of the Legislative Assembly, *Committee Hansard*, 2 November 2022, p 2.

- 3.5. The Clerk also provided the Committee with a document containing further details on the progress on suggestions made in the Laing Review, such the implementation of reciprocal shadowing system with the Chamber Support team, and consideration of the appointment of a technical advisor.<sup>19</sup>

#### Committee comment

- 3.6. The Committee welcomes the progress which has been made on the implementation of the suggestions in the Laing Review. The Committee notes that some of the suggestions, such as upgrading office space, are long-term projects which will require a significant investment of time and funding.

#### Recommendation 1

The Committee recommends that the Office of the Legislative Assembly continue to implement the Laing Review.

#### Building projects and upgrades

- 3.7. During the hearing, the Committee was updated on the planned upgrade of the public facing entrance, which will address known security vulnerabilities and increase the street appeal and identification of the building.<sup>20</sup>
- 3.8. The Clerk drew to the attention of the Committee to the fact that OLA had requested funding in the 2022-2023 budget to upgrade end-of-trip facilities in the building, however this was denied. He noted that OLA may request the funding again.<sup>21</sup>
- 3.9. The Committee notes that this issue was previous canvassed during the inquiry into the last budget, and that the Select Committee on Estimates 2022-2023 recommended 'that the ACT Government fund OLA to provide end-of-trip facilities in the building'.<sup>22</sup>

#### Recommendation 2

The Committee recommends that the Office of the Legislative Assembly upgrade end of trip facilities in the Assembly.

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<sup>19</sup> QTON 1.

<sup>20</sup> Ms Rachel Turner, Executive Manager, Business Support Branch, *Committee Hansard*, 2 November 2022, p 16.

<sup>21</sup> Mr Tom Duncan, Clerk, *Committee Hansard*, 2 November 2022, p 16.

<sup>22</sup> Select Committee on Estimates, *Inquiry into the Appropriation Bill 2022-2023, and Appropriation (Office of the Legislative Assembly) Bill 2022-2023*, p 162-163.

## 4. Chief Minister, Treasury and Economic Development Directorate

- 4.1. The Chief Minister, Treasury, and Economic Development Directorate (CMTEDD) is the ACT Government's central agency and is responsible for the provision of strategic advice and support to the Chief Minister, the Directorate's Ministers and the Cabinet on policy, economic and financial matters, service delivery, whole of government issues and intergovernmental relations.

### Administrative arrangements

- 4.2. The Committee examined the following areas of responsibility of this directorate:
- Borrowing, funds management and infrastructure finance;
  - budget process and financial reporting;
  - concessions;
  - directions relating to authorisation thresholds for land acquisition by the City Renewal Authority or Suburban Land Agency;
  - fiscal and economic strategy and policy;
  - Government business enterprises;
  - infrastructure policy frameworks and coordination of infrastructure planning;
  - jobs for Canberrans;
  - revenue Office, including administration of rental bonds; and
  - Taxation and revenue policy.

### Matters considered

- 4.3. During the Treasurer's appearance before the Committee on 4 November 2022 the following matters were considered:
- interest repayments on debt;<sup>23</sup>
  - Jobs and Skills Summit;<sup>24</sup>
  - Treasurer's advance;<sup>25</sup>
  - cost of living;<sup>26</sup>
  - cost of living—education costs;<sup>27</sup>

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<sup>23</sup> *Proof Committee Hansard*, 4 November 2022, p 27.

<sup>24</sup> *Proof Committee Hansard*, 4 November 2022, p 19-21.

<sup>25</sup> *Proof Committee Hansard*, 4 November 2022, p 23.

<sup>26</sup> *Proof Committee Hansard*, 4 November 2022, p 24-25.

<sup>27</sup> *Proof Committee Hansard*, 4 November 2022, p 25.

- own source revenue;<sup>28</sup>
- Revenue Office compliance checks;<sup>29</sup>
- cross border business incentives;<sup>30</sup>
- Treasury investments;<sup>31</sup>
- indexation freeze parking and vehicle registration;<sup>32</sup>
- forecasts in the Commonwealth budget;<sup>33</sup>
- new revenue streams;<sup>34</sup>
- jobs for Canberrans;<sup>35</sup>
- development lease taxation;<sup>36</sup> and
- revenue from land sales.<sup>37</sup>

## Key Issues

### Tax reforms

- 4.4. In 2012, the ACT Government commenced a 20-year tax reform program designed to shift the weight of taxation revenue from insurance and conveyance duty to general rates.<sup>38</sup>
- 4.5. During the public hearing, the Chief Minister explained that the tax reform program had been accelerated with further initiatives to reduce stamp duty. The Chief Minister also indicated that any further accelerations to the reforms would still result in a completion date of 2032.<sup>39</sup>

### Committee comment

- 4.6. The Committee is of the view that plans for future stages of the tax reform program should be accessible for public review, in light of the direct impact they will have on the finances of Canberran households. This will assist Canberrans in their considerations of future financial decisions.

<sup>28</sup> *Proof Committee Hansard*, 4 November 2022, p 26.

<sup>29</sup> *Proof Committee Hansard*, 4 November 2022, p 27.

<sup>30</sup> *Proof Committee Hansard*, 4 November 2022, p 28-30.

<sup>31</sup> *Proof Committee Hansard*, 4 November 2022, p 30-31.

<sup>32</sup> *Proof Committee Hansard*, 4 November 2022, p 32-33.

<sup>33</sup> *Proof Committee Hansard*, 4 November 2022, p 37-38.

<sup>34</sup> *Proof Committee Hansard*, 4 November 2022, p 38.

<sup>35</sup> *Proof Committee Hansard*, 4 November 2022, p 42.

<sup>36</sup> *Proof Committee Hansard*, 4 November 2022, 45-46.

<sup>37</sup> *Proof Committee Hansard*, 4 November 2022, p 46-47.

<sup>38</sup> ACT Revenue Office, *Tax reform*, (<https://www.revenue.act.gov.au/tax-reform>, accessed 22 February 2023).

<sup>39</sup> *Proof Committee Hansard*, 4 November 2022, p 27.

### Recommendation 3

The Committee recommends that the ACT Government publish a plan and timeline for the remainder of the tax reform program to 2032.

## Cross-border business relocation incentives

- 4.7. During the public hearing, there was some discussion about incentives the ACT Government provides to businesses to move to and remain in the Territory. These can take the form of taxation policy settings, land availability, and access to skilled workers. The point was raised that other states with larger budgets may be able to offer financial incentives to businesses.<sup>40</sup>

### Committee comment

- 4.8. The Committee is of the view that it would be useful to know what reasons businesses have when they move in or out of Canberra, in order to determine whether the ACT could offer further incentives for them to stay in the Territory.

### Recommendation 4

The Committee recommends that the ACT Government report on interstate movement of businesses between Canberra and the wider region.

## Credit rating

- 4.9. One of the Committee's recommendations for its *Inquiry into Annual and Financial Reports 2020-21* was that the ACT Government make its credit rating publicly available.<sup>41</sup>
- 4.10. The Government did not agree to the recommendation, and stated in their response:
- The S&P Global Rating credit ratings and research is publicly available information, but cannot be made available via a public website. Members of the general public can however seek access to the information by registering on the S&P Global Ratings website.<sup>42</sup>
- 4.11. The Committee is interested in the presentation the ACT Government makes to Standard & Poor's credit rating assessment, and this is the information they would like to see published.

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<sup>40</sup> *Proof Committee Hansard*, 4 November 2022, p 28.

<sup>41</sup> Standing Committee on Public Accounts, *Report on Inquiry into Annual and Financial Reports 2020-21*, p 5.

<sup>42</sup> ACT Government, *Report No. 8 of the Standing Committee on Public Account Inquiry into Annual and Financial Reports 2020-21 – Government response*, p 3.



### Recommendation 5

The Committee recommends the ACT Government routinely make their submission to Standard & Poor's credit rating assessment available to the general public.

## Icon Water Limited

- 4.12. Icon Water Limited (Icon Water) provides water and sewerage services to the ACT community and bulk water to Queanbeyan. Icon Water also holds a 50 per cent investment in the ActewAGL joint venture (the energy investment) which provides electricity and gas to the ACT and surrounding region.

### Matters considered

- 4.13. During the Treasurer's appearance before the Committee on 4 November 2022 with representatives from Icon Water, the following matters were considered:
- employee representative on Board;<sup>43</sup> and
  - odour control units;<sup>44</sup>

## Independent Competition and Regulatory Commission

- 4.14. The Independent Competition and Regulatory Commission (ICRC) hold responsibility for a broad range of competition, regulation, and consumer protection matters. The Commission has statutory responsibilities under the *Independent Competition and Regulatory Commission Act 1997* and the *Utilities Act 2000*.

### Matters considered

- 4.15. During the Treasurer's appearance before the Committee 4 November 2022 with representatives from the ICRC, the following matters were considered:
- regulated water and sewerage services draft determination.<sup>45</sup>

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<sup>43</sup> *Proof Committee Hansard*, 4 November 2022, p 42-43.

<sup>44</sup> *Proof Committee Hansard*, 4 November 2022 p 47-48.

<sup>45</sup> *Proof Committee Hansard*, 4 November 2022, p 43.

## 5. Major Projects Canberra

- 5.1. Major Projects Canberra (MPC) was established on 1 July 2019 with the intention of developing a specialist infrastructure delivery Directorate within the ACT Government.

### Administrative arrangements

- 5.2. The areas of responsibility covered by this Directorate are:
- Chief Engineer;
  - delivery of physical capital works projects in coordination with Government agencies; and
  - direct delivery of designated major capital works projects.

### Matters considered

- 5.3. During the Treasurer's appearance before the Committee on 4 November 2022 the following matters were considered:
- reporting of maladministration;<sup>46</sup>
  - infrastructure budget underspend;<sup>47</sup> and
  - changes between tender quote and final contract price.<sup>48</sup>

### Contemporaneous reporting of project timeframes

- 5.4. In its previous report on annual and financial reports for 2020-2021, the Committee recommended that Major Projects Canberra publish the up-to-date status of all current projects on its webpage.<sup>49</sup>
- 5.5. The ACT Government did not agree to the recommendation, and stated in their response to the report:

The 'projects pipeline' serves a specific purpose, which is to inform industry about when procurement is expected to commence for new projects. Updates on the status of capital works projects already underway are provided through Directorate Annual Reports (Capital Works appendices to Part C Financial Management Reporting) and annual Budget Papers (Table of "Detailed initiatives by lead agency" in Chapter 3 Budget Outlook and in Appendix C "Infrastructure Investment Program – Works-in-Progress"). Information on the delivery of Major Projects Canberra's projects (Light Rail, Canberra Hospital Expansion, CIT Woden

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<sup>46</sup> *Proof Committee Hansard*, 4 November 2022, p 33.

<sup>47</sup> *Proof Committee Hansard*, 4 November 2022, p 33-35.

<sup>48</sup> *Proof Committee Hansard*, 4 November 2022, p 38-41.

<sup>49</sup> Standing Committee on Public Accounts, *Report on Inquiry into Annual and Financial Reports 2020-21*, p 12.

and the Canberra Theatre) can be found on the Major Project Canberra website and is updated regularly.<sup>50</sup>

- 5.6. The Committee, however, believes that the publishing of this information in one, easily accessible location has importance beyond industry needs, and would improve accountability and transparency for the public at large.

### **Recommendation 6**

The Committee recommends Major Projects Canberra expand on its 'projects pipeline' webpage, by publishing an up-to-date status dashboard of all projects underway.

## **Capital Works Program**

- 5.7. During the public hearing on 4 November 2022, the Treasurer gave an explanation of the previous five year's under-spend of the Territory's infrastructure budget:

Not every procurement will deliver a successful outcome in terms of a competitive market and a preferred tenderer that meets the particular project's needs or budget. There have also been challenges through the COVID period with workforce and supply availability, and then obviously a mandated construction sector shutdown for a period that had flow-on implications for the delivery of infrastructure projects. So, really, for two years, there has been the massive disruption of a once in a century type event.<sup>51</sup>

### **Committee comment**

- 5.8. The Committee is of the view that increased reporting on under- and over-spending of the infrastructure is especially beneficial during times of disruption which can cause economic instability.

### **Recommendation 7**

The Committee recommends that the ACT Government provide more detailed information on infrastructure under- and over-spend in its reporting on the Capital Works Program each quarter.

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<sup>50</sup> ACT Government, *Report No. 8 of the Standing Committee on Public Account Inquiry into Annual and Financial Reports 2020-21 – Government response*, p 5.

<sup>51</sup> Mr Andrew Barr, Treasurer, *Proof Committee Hansard*, 4 November 2022, p 34.

## 6. Conclusion

- 6.1. The Committee would like to thank the Ministers, statutory officers and directorate staff who participating in the inquiry.
- 6.2. The Committee makes 7 recommendations.

Mrs Elizabeth Kikkert MLA  
Chair, Standing Committee on Public Accounts  
March 2023

# Appendix A: Witnesses

## 2 November 2022

### ACT Audit Office

- **Mr Michael Harris**, Auditor-General; and
- **Mr Brett Stanton**, Assistant Auditor-General, Performance Audit.

### Office of the Legislative Assembly

- **Ms Joy Burch MLA**, Speaker;
- **Mr Tom Duncan**, Clerk;
- **Ms Rachel Turner**, Executive Manager, Business Support Branch;
- **Mr David Skinner**, Senior Director, Office of the Clerk; and
- **Mr Stuart Row**, Director, Information and Digital Services.

## 4 November 2022

### Mr Andrew Barr MLA, Treasurer

### Chief Minister, Treasury and Economic Development Directorate (CMTEDD)

- **Mr Kim Salisbury**, Executive Group Manager, Revenue Management; and
- **Mr Patrick McAuliffe**, Executive Branch Manager, Investments and Borrowings

### Icon Water

- **Mr Ray Hezkial**, Managing Director; and
- **Ms Alison Pratt**, General Counsel.

### Independent Competition and Regulatory Commission

- **Mr Lachlan Phillips**, Deputy Chief Executive Officer.

### Major Projects Canberra (MPC)

- **Mr Duncan Edghill**, Chief Projects Officer.

## Appendix B: Questions on notice and taken on notice

### Questions on notice

No.	Date	Asked by	Asked of	Subject	Response received
1	08/11/22	Lee	BARR	Residential conveyance duties	21/11/22
2	10/11/22	Lawder	BARR	Dairy Road Precinct	16/11/22
3	09/11/22	Kikkert	BARR	Odour Control Units	18/11/22

### Questions taken on notice

No.	Date	Asked by	Asked of	Subject	Response received
1	02/11/22	Pettersson	DUNCAN	Update on implementation of the Laing Review	10/11/22
2	04/11/22	Braddock	BARR	Treasurers Advance cost breakdown	16/11/22
3	04/11/22	Cain	BARR	Land Tax on vacant residential properties	16/11/22
4	04/11/22	Cain	BARR	NSW Government incentive payments for business	15/11/22
5	04/11/22	Cain	BARR	Procurement Tender Weightings	11/11/22
6	04/11/22	Cain	BARR	Contract Cost Change Between Preferred Tender and Final Contract	11/11/22
7	04/11/22	Cain	BARR	Development leases	21/11/22