

Report to the Standing Committee on Public
Accounts and Administration and Standing
Committee on the Integrity Commission and
Statutory Office Holders

**Performance Audit Recommendations
Observations (2025) - 2023 Performance
Audits**

November 2025

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Auditor-General Report No.1 of 2023

Construction Occupations Licensing¹

(16 March 2023)

Auditee

The auditee for this audit was Access Canberra in the Chief Minister, Treasury and Economic Development Directorate.

Audit Objective

The objective of the audit was to assess the effectiveness of the Territory's construction occupation licensing arrangements.

Summary

The Construction Occupations (Licensing) Act 2004 provides the regulatory framework for the licensing of construction practitioners in the building and construction industry. Construction occupation licences are issued by the Construction Occupations Registrar, a statutory position within Access Canberra.

The licensing of construction practitioners is an important component of mandating a minimum standard of competence in the ACT construction industry. There are currently 62 classes of construction occupation licences in the ACT. There are specific requirements relevant to each category that a licensee must hold and maintain.

The audit considered the effectiveness of the Territory's construction occupation licensing arrangements as administered by Access Canberra.

Government response

Ms Tara Cheyne MLA, Minister for Business and Better Regulation, tabled the ACT Government's response to the Performance Audit Report on 5 July 2023.²

¹ [Report No. 1 of 2023 - Construction occupations licensing](#)

² [PAC – AG Report 1 of 2023 – Government Response Tabled 5 July 2023](#)

Recommendation 1 – Information systems for construction occupations licensing

<p>Access Canberra should develop a strategy for its information systems for construction occupations licensing. In doing so it should:</p> <ol style="list-style-type: none"> determine the need and purpose of COLMS, and to what extent COLMS is expected to retain data; and identify and articulate expectations for the interaction of COLMS and Objective. 		
Government Response	Reported Status	Agreed in principle
<p><i>Access Canberra is exploring a digital solution that aims to identify and implement a scalable fit for purpose ICT solution for licence functions administered by Access Canberra, including COLMS. A Discovery phase is currently underway and will be completed in July 2023.</i></p> <p><i>A key objective of the discovery phase is to support the Access Canberra Digital Strategy 2023- 2026 by defining a solution design and implementation plan for delivering a common licensing capability. Through the discovery phase the requirements for the construction occupations licensing ecosystem will be identified and existing systems including COLMS and Objective will be assessed for suitability. A solution options analysis will be completed, and a recommendation made for a technical solution that supports business processes. Full implementation of this recommendation will be subject to future budget consideration.</i></p>		
Annual Report (CMTEDD)	Last Reported Status	Complete
<p><u>2022-23 Annual Report:</u></p> <p><i>In 2023, the ACT Auditor-General commenced a performance audit of Construction Occupations Licensing. The Auditor-General’s report was tabled in the Legislative Assembly on 16 March 2023. The Government’s Response to the report will be tabled in the 2023-24 reporting period. This means CMTEDD’s status report will be included in the 2023-24 annual report.</i></p> <p><u>2023-24 Annual Report:</u></p> <p><i>The Common Licensing Capability (CLC) program is implementing a scalable fit for purpose ICT solution to replace licence systems utilised by Access Canberra, including COLMS. It is anticipated the replacement of COLMS to be completed in the second half of 2025 subject to future budget consideration.</i></p> <p><u>2024-25 Annual Report:</u></p> <p><i>The ICT Strategy for Construction Occupations Licences has been developed and outlines Access Canberra’s plan for the construction occupations licensing database. This document addresses recommendations in the audit report.</i></p>		
Auditor-General’s Observation		
<p>The ACT Government response advised work was underway to ‘[explore] a digital solution’. The response noted a ‘solution options analysis’ and ‘a technical solution that supports business processes’ would help implement the recommendation.</p> <p>CMTEDD’s <i>Annual Report 2023-24</i> noted that an ‘ICT solution’ has been found, but that its implementation is subject to future budget consideration.</p> <p>CMTEDD’s <i>Annual Report 2024-25</i> identified that the implementation of the recommendation was complete through an ICT strategy which includes plans for a construction occupations licensing database. The report did not provide a timeframe for the database’s implementation or any further detail on expectations for the interaction of existing systems.</p>		

Recommendation 2 – Policies and procedures

<p>Access Canberra should review, update and finalise its licensing policies and procedures. In doing so, the documents should have control features including:</p> <ol style="list-style-type: none"> the date of approval (and effect) of the document; the name of the person who had approved the document; and the timeframe for the review of the document. 		
Government Response	Reported Status	Agreed

All licensing policies and procedures pertaining to construction occupations will be reviewed, updated, and approved in accordance with this recommendation as well as Access Canberra's Quality Management Framework by March 2024. This recommendation will be implemented from within existing resources.

Annual Report (CMTEDD)	Last Reported Status	Complete
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2022-23 Annual Report:

In 2023, the ACT Auditor-General commenced a performance audit of Construction Occupations Licensing. The Auditor-General's report was tabled in the Legislative Assembly on 16 March 2023. The Government's Response to the report will be tabled in the 2023-24 reporting period. This means CMTEDD's status report will be included in the 2023-24 annual report.

2023-24 Annual Report:

All licensing policies and procedures pertaining to construction occupations are being reviewed, updated, and approved in accordance with this recommendation, as well as in accordance with Access Canberra's Quality Management Framework. It is anticipated that this review will be completed by September 2024.

2024-25 Annual Report:

All licensing policies and procedures pertaining to construction occupations have being [sic] reviewed, updated, and approved in accordance with this recommendation, as well as in accordance with Access Canberra's Quality Management Framework.

Auditor-General's Observation

The ACT Government response advised, 'all licensing policies and procedures ... will be reviewed, updated, and approved ... by March 2024'.

CMTEDD's *Annual Report 2023-24* advised CMTEDD would complete implementation by September 2024 even though CMTEDD published the report in December 2024.

CMTEDD's *Annual Report 2024-25* identified that the implementation of the recommendation was complete through the review, update and approval of all construction occupations policies and procedures in accordance with the recommendation and Access Canberra's Quality Management Framework. The report was unclear on whether the documents had the recommended control features.

Recommendation 3 – Self-Approval of Applications

Access Canberra should review the risks associated with officers assessing and approving licence applications. If the practice is to continue Access Canberra should:

- a) develop and implement policy guidance for the circumstances under which an officer may perform both functions; and
- b) develop and implement a quality assurance or audit process to review licences granted under these circumstances.

Government Response	Reported Status	Agreed
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A policy will be developed addressing the risks associated with self-approval practices and guidance on circumstances where officers in the construction licensing area may perform self-approval functions. This policy will be developed to support existing documents provided in paragraphs 2.54 – 2.60 and finalised by March 2024. Implementation and review of this policy will be managed in accordance with Access Canberra's Quality Management Framework. This recommendation will be implemented from within existing resources.

Annual Report (CMTEDD)	Last Reported Status	Complete
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2022-23 Annual Report:

In 2023, the ACT Auditor-General commenced a performance audit of Construction Occupations Licensing. The Auditor-General's report was tabled in the Legislative Assembly on 16 March 2023. The Government's Response to the report will be tabled in the 2023-24 reporting period. This means CMTEDD's status report will be included in the 2023-24 annual report.

2023-24 Annual Report:

The Construction Licensing Section has begun consulting with staff on the creation of a Delegation to Approve Assessments policy. Following consultation, the policy will be drafted to address the risks associated with self-approval practices and provide guidance on circumstances where officers may perform approvals on behalf of other staff and when they may perform self-approvals.

2024-25 Annual Report:

The Construction Workplace Licensing & Registrations Decision Making Policy has been introduced to address the risks associated with self-approval practices and provide guidance on circumstances where officers may perform approvals on behalf of other staff and when they may perform self-approvals.

The Construction Workplace Licensing & Registrations Quality Assurance Policy has been introduced to establish an assurance process that will check compliance with the Decision Making Policy.

Auditor-General's Observation

The ACT Government response indicated agreement with the recommendation and that 'a policy will be developed ... by March 2024'.

CMTEDD's Annual Report 2023-24 advised this recommendation's implementation remained in progress.

CMTEDD's Annual Report 2024-25 identified that the implementation of the recommendation was complete through the introduction of the Construction Workplace Licensing & Registrations Decision Making Policy and Construction Workplace Licensing & Registrations Quality Assurance policy.

Recommendation 4 – COLMS administration

As part of its implementation of Recommendation 1, and the development of a strategy for its information systems, Access Canberra should consider:

- a) establishing in-house knowledge of the ICT administration of COLMS; and
- b) documenting the current processes used for administering COLMS.

Government Response

Reported Status

Agreed in principle

The Environment Planning, Sustainable Development Directorate administers the legacy system used to manage construction occupations licenses. Noting the work currently underway and as described in Recommendation 1, Access Canberra does not propose to establish in house capability to support the existing system.

Access Canberra will develop a strategy that establishes in-house knowledge and document processes for the use of the digital solution identified by the discovery phase. As implementation of this recommendation is dependent on the full implementation of Recommendation 1, full implementation of this recommendation is also subject to future budget consideration.

Annual Report (CMTEDD)

Last Reported Status

Complete

2022-23 Annual Report:

In 2023, the ACT Auditor-General commenced a performance audit of Construction Occupations Licensing. The Auditor-General's report was tabled in the Legislative Assembly on 16 March 2023. The Government's Response to the report will be tabled in the 2023-24 reporting period. This means CMTEDD's status report will be included in the 2023-24 annual report.

2023-24 Annual Report:

The replacement of COLMS with the CLC solution will include both the provision of in-house ICT resources for ongoing maintenance of the system and sufficient operational documentation to administer the system. Until COLMS is replaced, the ICT administration will remain under EPSDD/Shared Services. Access Canberra's Data and Intelligence Section have been given access to COLMS data to enable in house reporting.

2024-25 Annual Report:

COLMS is administered by Digital, Data and Technology Solutions (DDTS) staff who are embedded in the Environment, Planning and Sustainable Development Directorate (EPSDD). As the system is soon to be replaced, Access Canberra do not consider it necessary to invest in 'in-house' knowledge of ICT administration of COLMS. The Construction Licensing and Governance section's procedures include, as appropriate, the process for engaging with the administrators of COLMS or Access Canberra's Data and Intelligence section.

Auditor-General's Observation

The ACT Government response indicated agreement in principle with the recommendation and that further action on this recommendation is predicated on work associated with Recommendation 1.

CMTEDD's *Annual Report 2023-24* indicated this recommendation's implementation remained in progress.

CMTEDD's *Annual Report 2024-25* advised CMTEDD's response to this recommendation is complete as it no longer considers 'in-house' expertise necessary because the COLMS system will soon be replaced. It also noted established procedures to engage with IT expertise as required. The annual report included no detail on what system will replace COLMS, an implementation timeline or which business area will retain responsibility for delivery or administration of the new system.

Recommendation 5 – Management information reports

Access Canberra should prepare management information reports that address:

- a) application outcomes; and
- b) timeliness of assessing applications.

Government Response	Reported Status	Agreed in principle
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Access Canberra's ability to report on application outcomes and assessment timeliness is currently limited to the information that is contained and can be extracted from existing legacy systems. The discovery phase referenced in Recommendation 1 seeks to identify a digital solution that can link to other databases and have an internal interface allowing easy access to interrogate and run reports. As implementation of this recommendation is dependent on the full implementation of Recommendation 1, full implementation of this recommendation is also subject to future budget consideration.

Annual Report (CMTEDD)	Last Reported Status	Complete
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2022-23 Annual Report:

In 2023, the ACT Auditor-General commenced a performance audit of Construction Occupations Licensing. The Auditor-General's report was tabled in the Legislative Assembly on 16 March 2023. The Government's Response to the report will be tabled in the 2023-24 reporting period. This means CMTEDD's status report will be included in the 2023-24 annual report.

2023-24 Annual Report:

Access Canberra's Data and Intelligence Section is working on creating a management information report for the application outcomes and timeliness of assessing applications. The Common Licensing Capability program will include this functionality. Implementation of this recommendation is dependent on the full implementation of Recommendation 1, and is subject to future budget consideration.

2024-25 Annual Report:

Access Canberra Data team have access to COLMS data to enable the creation of information reports.

A timeliness report has now been developed, however due to system limitations only positive outcomes can currently be reported.

Auditor-General's Observation

The ACT Government response indicated further action on this recommendation is predicated on work associated with Recommendation 1.

CMTEDD's *Annual Report 2023-24* indicated the recommendation's implementation is subject to future budget considerations.

CMTEDD's *Annual Report 2024-25* identified that the implementation of the recommendation was complete as Access Canberra had developed a report on application timeliness, which is generated from COLMS data. It is noted, however, that '*only positive outcomes can currently be reported*'. This is a limitation on the report's usefulness. The response to Recommendation 4 indicates that COLMS is soon to be replaced. The replacement of COLMS with an improved system may represent an opportunity to address the findings behind this recommendation.

Recommendation 6 – Tertiary qualification requirements

Access Canberra should review and update, through an appropriate Ministerial declaration, the minimum tertiary qualifications required for all of the occupation classes for which it issues licences.

Government Response

Reported Status

Agreed

The ACT Government agrees with this recommendation. The ACT Government is delivering a continuous reform program that ensures a building regulatory system that supports, drives and delivers high quality design and building, compliance with building standards, and integrity and accountability in the ACT building and construction industry.

We continue to do this in partnership with other jurisdictions and in line with recommendations of reviews including the Shergold-Weir Building Confidence Report which made recommendations in relation to certain building practitioners. These recommendations led to the development of a National Registration Framework that provides guidance to jurisdictions around licensing and registration of a range of building and construction industry occupations.

Improvement of our registration and licensing schemes is an area in which the ACT Government is continually progressing work and responding to stakeholder feedback.

The ACT Government notes that not all construction occupations require tertiary qualifications to be eligible for a licence.

In collaboration with Environment, Planning and Sustainable Development Directorate the Ministerial Declaration was reviewed and updated in early 2023 to reflect the minimum formal qualifications required for each construction occupation class. The Construction Occupations (Licensing) Delegation 2022 (No 1) was declared on 16 January 2023, and was enacted on 17 January 2023.

Noting that the Minister for Sustainable Building and Construction has responsibility for making the Ministerial Declaration, a further review of the Ministerial Declaration will be undertaken to identify where improvements can be made. This review will be led by the Environment, Planning and Sustainable Development Directorate, with support from Access Canberra and will be completed in line with operational priorities. This recommendation will be implemented from within existing resources.

Annual Report (CMTEDD)

Last Reported Status

Complete

2022-23 Annual Report:

In 2023, the ACT Auditor-General commenced a performance audit of Construction Occupations Licensing. The Auditor-General's report was tabled in the Legislative Assembly on 16 March 2023. The Government's Response to the report will be tabled in the 2023-24 reporting period. This means CMTEDD's status report will be included in the 2023-24 annual report.

2023-24 Annual Report:

*Reported in **Environment, Planning and Sustainable Development Directorate's** annual report -*

The ACT Government is committed to making sure those working in the building and construction industry are held accountable for their actions and supports a nationally consistent approach to regulation of the industry where it is appropriate for the ACT. The Ministerial declaration of qualifications requirements for obtaining construction occupation licences in the ACT is regularly reviewed and updated to ensure it remains fit for purpose. In 2023, the minimum tertiary qualifications required for construction occupations were reviewed, resulting in a consolidation of 2 Ministerial declarations. This update also future-proofed the declaration in relation to updates to training package numbers and the introduction of new training packages.

The declaration is updated as required when implementing new licensing requirements or reforms to existing licensing frameworks. The Ministerial declaration was last updated in March 2024 as part of the implementation of new licensing requirements for electricians undertaking work on distributed energy resources. For national consistency, updates were also made to the qualification requirements for building assessors undertaking energy efficiency assessments and other minor edits to improve the accessibility of the declaration.

The ACT's future building reform program includes work to improve regulation of building practitioners in response to the National Building Confidence Report and exploring measures to support a mobile building and construction workforce. This work will result in a further review of the declaration.

Auditor-General's Observation

The ACT Government response indicated agreement with the recommendation and that 'a further review of the Ministerial Declaration will be undertaken to identify where improvements can be made'.

EPSDD's *Annual Report 2023-24* identified that the implementation of the recommendation was complete and that some changes were made to the Ministerial directions and that they were 'future-proofed' and that implementation of the recommendation is complete.

Recommendation 7 – Documentation of skills assessment

Access Canberra should develop a policy, and associated procedures, for the documentation of skills assessments of licensees through interviews.		
Government Response	Reported Status	Agreed
<i>A policy and procedure for skills assessments will be developed and finalised in accordance with this recommendation as well as Access Canberra's Quality Management Framework by March 2024. This recommendation will be implemented from within existing resources.</i>		
Annual Report (CMTEDD)	Last Reported Status	Complete
<p><u>2022-23 Annual Report:</u></p> <p><i>In 2023, the ACT Auditor-General commenced a performance audit of Construction Occupations Licensing. The Auditor-General's report was tabled in the Legislative Assembly on 16 March 2023. The Government's Response to the report will be tabled in the 2023-24 reporting period. This means CMTEDD's status report will be included in the 2023-24 annual report.</i></p> <p><u>2023-24 Annual Report:</u></p> <p><i>The policies and procedures are under development.</i></p> <p><u>2024-25 Annual Report:</u></p> <p><i>The Construction Workplace Licensing & Registrations Builder Examinations and Builder Interview Procedures have been introduced and document how skills assessments of licensees will be undertaken through examinations and interviews.</i></p>		
Auditor-General's Observation		
<p>The ACT Government response advised that 'a policy and procedures for skills assessment will be developed and finalised ... by March 2024'.</p> <p>CMTEDD's <i>Annual Report 2024-25</i> identified that the implementation of the recommendation was complete as CMTEDD introduced <i>Construction Workplace Licensing & Registrations Builder Examination and Builder Interview Procedures</i>. According to the report, these procedures document how CMTEDD will undertake skills assessment of licensees, per the recommendation.</p>		

Recommendation 8 – Proof of identity

Access Canberra should develop a policy, and associated procedures, across all application types for applicants to prove their identity.		
Government Response	Reported Status	Agreed
<i>Access Canberra is currently drafting an identity proofing policy. This policy is being drafted to align with the National Identity Proofing Guidelines pending the introduction of a broader ACT Government identity proofing policy. Access Canberra's policy will be finalised in accordance with this recommendation as well as their Quality Management Framework by March 2024. This recommendation will be implemented from within existing resources.</i>		
Annual Report (CMTEDD)	Last Reported Status	Complete
<p><u>2022-23 Annual Report:</u></p> <p><i>In 2023, the ACT Auditor-General commenced a performance audit of Construction Occupations Licensing. The Auditor-General's report was tabled in the Legislative Assembly on 16 March 2023. The Government's Response to the report will be tabled in the 2023-24 reporting period. This means CMTEDD's status report will be included in the 2023-24 annual report.</i></p> <p><u>2023-24 Annual Report:</u></p>		

Access Canberra is finalising an identity proofing policy. This policy will align with the National Identity Proofing Guidelines pending the introduction of a broader ACT Government identity proofing policy.

Licence application forms are being updated to include the need to prove identity. The forms will align with the Access Canberra identity proofing policy.

2024-25 Annual Report:

The Construction Workplace Licensing & Registrations Proof of Identity Process Policy has been introduced to ensure effective proof of identity practices are being administered in the management of construction occupations licence assessments. This policy has been developed to align with the National Identity Proofing Guidelines pending the introduction of a broader ACT Government identity proofing policy.

Auditor-General's Observation

The ACT Government response advised 'Access Canberra is currently drafting an identity proofing policy [which will be finalised] by March 2024'.

CMTEDD's Annual Report 2023-24 indicated the recommendation's implementation remained in progress.

CMTEDD's Annual Report 2024-25 identified that the implementation of the recommendation was complete through the introduction of a Construction Workplace Licensing & Registrations Proof of Identity Process Policy.

Recommendation 9 – Applicant declarations

Access Canberra should develop and implement a quality assurance process over applications for licences. The quality assurance process should seek to:

- a) provide assurance with respect to the validity of applicants' declarations; and
- b) improve overall compliance with respect to the validity of applicants' declarations.

Government Response	Reported Status	Agreed
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Access Canberra has developed a Quality Management Framework that outlines the quality processes at Access Canberra, how they operate and who has responsibility for them. As referenced in Recommendation 2, all licensing policies and procedures pertaining to construction occupations will be reviewed, updated, and approved by March 2024. These will consider how officers confirm the validity of applicant declarations and will be reviewed routinely in line with the Quality Management Framework. This recommendation will be implemented from within existing resources.

Annual Report (CMTEDD)	Last Reported Status	Complete
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2022-23 Annual Report:

In 2023, the ACT Auditor-General commenced a performance audit of Construction Occupations Licensing. The Auditor-General's report was tabled in the Legislative Assembly on 16 March 2023. The Government's Response to the report will be tabled in the 2023-24 reporting period. This means CMTEDD's status report will be included in the 2023-24 annual report.

2023-24 Annual Report:

All licensing policies and procedures pertaining to construction occupations are in the process of being reviewed, updated, and approved in accordance with this recommendation as well as Access Canberra's Quality Management Framework.

The updated licence application forms will seek a copy of a recent criminal history check and a copy of a recent credit history check, rather than relying on a declaration made by the applicant.

2024-25 Annual Report:

Access Canberra has updated application forms for Construction licences to require information that supports applicant declarations. All licensing policies and procedures pertaining to construction occupations have being [sic] reviewed, updated and approved in accordance with this recommendation, as well as in accordance with Access Canberra's Quality Management Framework.

Auditor-General's Observation

The ACT Government response advised, 'Access Canberra has developed a Quality Management Framework that outlines the quality processes at Access Canberra, how they operate and who has responsibility for them' and that 'all licensing policies and procedures ... will be reviewed, updated, and approved by March 2024'.

CMTEDD's *Annual Report 2023-24* identified the recommendation's implementation remained in progress.

CMTEDD's *Annual Report 2024-25* identified that the implementation of the recommendation was complete and demonstrates measures Access Canberra took to update construction licence application forms and policies and procedures to better assess the validity of applicants' declaration, in line with the recommendation.

Recommendation 10 – Demerit action register

As part of its implementation of Recommendation 1, and the development of a strategy for its information systems, Access Canberra should consider consolidating its records of demerit actions into a single database, with a view to informing the occupational discipline of licensees.

Government Response	Reported Status	Agreed in principle
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The discovery phase referenced in Recommendation 1 seeks to identify a digital solution that can integrate with other databases to access demerit and occupational disciplinary action information. Integration with other ACT Government systems and data migration is subject to an assessment on technical feasibility, solution design and subsequent funding of an implementation phase. As implementation of this recommendation is dependent on the full implementation of Recommendation 1, full implementation of this recommendation is also subject to future budget consideration.

Annual Report (CMTEDD)	Last Reported Status	Complete
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2022-23 Annual Report:

In 2023, the ACT Auditor-General commenced a performance audit of Construction Occupations Licensing. The Auditor-General's report was tabled in the Legislative Assembly on 16 March 2023. The Government's Response to the report will be tabled in the 2023-24 reporting period. This means CMTEDD's status report will be included in the 2023-24 annual report.

2023-24 Annual Report:

A new demerit points process, including a demerit point register, was implemented in late 2023. The new register/process ensures that there is a single source of data and uses Power BI Dashboard visualisation to display/interrogate this data.

Auditor-General's Observation

The ACT Government response indicated further action on this is predicated on work associated with Recommendation 1.

CMTEDD's *Annual Report 2023-24* identified that implementation of the recommendation was complete following the implementation of a demerit point register in late 2023. The actions taken to implement the recommendation are identified as addressing the risks that were identified in the audit, although it is asserted that this was achieved separately to an ICT solution envisaged in Recommendation 1.

Recommendation 11 – Quality assurance of assessment outcomes

As part of its implementation of Recommendation 9, and the development of a quality assurance process over applications for licences, Access Canberra should use quality assurance methods to measure the performance of assessment procedures, with a view to reducing the number of assessment errors through continuous improvement of the assessment process.

Government Response	Reported Status	Agreed
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Access Canberra has developed a Quality Management Framework that outlines the quality processes at Access Canberra, how they operate and who has responsibility for them. As referenced in Recommendation 2, all licensing policies and procedures pertaining to construction occupations will be reviewed, updated, and approved by March 2024. These will be reviewed routinely in line with the Quality Management Framework. This recommendation will be implemented from within existing resources.

Annual Report (CMTEDD)	Last Reported Status	Complete
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2022-23 Annual Report:

In 2023, the ACT Auditor-General commenced a performance audit of Construction Occupations Licensing. The Auditor-General's report was tabled in the Legislative Assembly on 16 March 2023. The Government's Response to the report will be tabled in the 2023-24 reporting period. This means CMTEDD's status report will be included in the 2023-24 annual report.

2023-24 Annual Report:

All licensing policies and procedures pertaining to construction occupations are in the process of being reviewed, updated, and approved in accordance with this recommendation, as well as Access Canberra's Quality Management Framework.

2024-25 Annual Report:

The Construction Workplace Licensing & Registrations Quality Assurance Policy has been introduced to establish an assurance process to review compliance with the Decision-Making Policy. To support the policy a Quality Assurance Worksheet has been created which will formally track compliance outcomes and feed into a continuous improvement process.

Auditor-General's Observation

The ACT Government response advised 'Access Canberra has developed a Quality Management Framework that outlines the quality processes at Access Canberra, how they operate and who has responsibility for them' and that 'all licensing policies and procedures ... will be reviewed, updated, and approved by March 2024'. This demonstrates an appropriate response to the recommendation.

CMTEDD's *Annual Report 2023-24* indicated the recommendation's implementation remained in progress.

CMTEDD's *Annual Report 2024-25* identified that the implementation of the recommendation was complete through the introduction of the *Construction Workplace Licensing & Registrations Quality Assurance Policy* and *Quality Assurance Worksheet* to establish an assurance process to review compliance and inform continuous improvement.

Recommendation 12 – Mutual Recognition declarations

Access Canberra should seek to implement, with the assistance of other States:

- a) a regular review of the accuracy of the equivalence with other States of ACT construction occupations within the Mutual Recognition Declarations; and
- b) a process to ensure that the Declarations used to assess applications are those that are currently in-force on the Federal Register of Legislation.

Government Response	Reported Status	Agreed in principle
<p><i>There are limitations in ACT Government ability to implement recommendation 12(a) noting equivalency agreements for mutual recognition are made under the Mutual Recognition Act 1992 (Cth) and are coordinated at a Federal level. The ACT Government, led by the Environment, Planning and Sustainable Development Directorate will continue to work with our jurisdictional colleagues to make sure that jurisdiction shopping is minimised.</i></p> <p><i>The ACT Government is undertaking work to support implementation of Automatic Mutual Recognition for construction occupations in the ACT to support a mobile labour workforce. This work is linked to the ACT Government's commitment to improvement of our registration and licensing schemes and improving regulation of building practitioners in response to the Building Confidence Report. National consistency balanced with the specific requirements of the ACT market is important to support the building and construction industry and provide consumer protections.</i></p> <p><i>In relation to recommendation 12(b), policies and procedures referencing mutual recognition declarations have been reviewed to ensure officers assess applications using current Federal equivalency matrixes. This recommendation will be implemented from within existing resources.</i></p>		

Annual Report (CMTEDD)	Last Reported Status	Complete
<p><u>2022-23 Annual Report:</u></p> <p><i>In 2023, the ACT Auditor-General commenced a performance audit of Construction Occupations Licensing. The Auditor-General's report was tabled in the Legislative Assembly on 16 March 2023. The Government's Response to the report will be tabled in the 2023-24 reporting period. This means CMTEDD's status report will be included in the 2023-24 annual report.</i></p> <p><u>2023-24 Annual Report:</u></p> <p>Chief Minister, Treasury and Economic Development Directorate</p>		

All licensing policies and procedures pertaining to construction occupations are in the process of being reviewed, updated, and approved in accordance with this recommendation, as well as Access Canberra's Quality Management Framework. Part b of this recommendation is being implemented as part of this review. Part a will be reported by the Environment, Planning and Sustainable Development Directorate.

Environment, Planning and Sustainable Development Directorate-

EPSDD has engaged with the Australian Government on the status and process for updating Mutual Recognition Declarations. The Australian Government has indicated an intention to move away from these declarations as a result of the new Automatic Mutual Recognition scheme that commenced in July 2021. EPSDD will continue to work with Access Canberra and other jurisdictions to ensure there is an agreed understanding of licensing requirements in other jurisdictions and how these are equivalent to the ACT requirements. For example, as part of implementation of the Professional Engineers Registration Scheme, a matrix was developed for use by Access Canberra in assessing applications under mutual recognition principles. This matrix was verified by other jurisdictions and shared with them for their use. EPSDD continues to work with its jurisdictional colleagues to minimise jurisdiction shopping. EPSDD is undertaking work on implementation of Automatic Mutual Recognition for construction occupations in the ACT to support a mobile labour workforce. This work is linked to the ACT Government's commitment to improve its registration and licensing schemes, and regulation of building practitioners, in response to the Building Confidence Report. National consistency balanced with the specific requirements of the ACT market is important to support the building and construction industry and provide consumer protection.

2024-25 Annual Report:

Chief Minister, Treasury and Economic Development Directorate

Part a will be reported by the Environment, Planning and Sustainable Development Directorate. Part b of this recommendation was implemented in 2023 and reported as complete in the Governments response to the Performance Audit Report's recommendations.

Auditor-General's Observation

The ACT Government response indicated agreement-in-principle with the recommendation and highlighted that effecting change in this area is contingent on the support of the other States. The response otherwise indicated an undertaking for 'the ACT Government, led by the Environment, Planning and Sustainable Development Directorate will continue to work with our jurisdictional colleagues to make sure that jurisdiction shopping is minimised'.

CMTEDD's *Annual Report 2023-24* identified that 'policies and procedures referencing mutual recognition declarations have been reviewed to ensure officers assess applications using current Federal equivalency matrixes' and that implementation of the recommendation is in progress.

EPSDD's *Annual Report 2023-24* identified a range of actions being taken to work with other jurisdictions on the automatic recognition of licenses and to reduce the risks of 'jurisdiction shopping'. The implementation of the recommendation was reported complete.

CMTEDD's *Annual Report 2024-25* advised the directorate implemented the recommendation in 2023, as reported in the Government response. There was no reference to the work noted in CMTEDD's *Annual Report 2023-24* or EPSDD's *Annual Report 2023-24*.

Recommendation 13 – Mutual Recognition

Access Canberra should engage with its State counterparts to address the practice of 'shopping and hopping' via the mutual recognition scheme.

Government Response	Reported Status	Agreed in principle
<p>There are limitations in ACT Government ability to effect any change with the practice of 'shopping and hopping' noting equivalency agreements are coordinated at the Federal level, as discussed in Recommendation 12. The ACT Government, led by the Environment, Planning and Sustainable Development Directorate will continue to work with our jurisdictional colleagues to make sure that jurisdiction shopping is minimised through nationally consistent regulatory frameworks and the use of Automatic Mutual Recognition where appropriate. This recommendation will be implemented through existing resources.</p>		

Annual Report (CMTEDD)	Last Reported Status	Complete
<p><u>2022-23 Annual Report:</u> In 2023, the ACT Auditor-General commenced a performance audit of Construction Occupations Licensing. The Auditor-General's report was tabled in the Legislative Assembly on 16 March 2023. The Government's Response to the report will be tabled in the 2023-24 reporting period. This means CMTEDD's status report will be included in the 2023-24 annual report.</p> <p><u>2023-24 Annual Report:</u> Environment, Planning and Sustainable Development Directorate</p>		

As part of its portfolio responsibilities, EPSDD continues to work with jurisdictional colleagues to minimise jurisdiction shopping.

EPSDD is undertaking work on implementation of Automatic Mutual Recognition for construction occupations in the ACT to support a mobile labour workforce. This work is linked to the ACT Government's commitment to improve its registration and licensing schemes, and regulation of building practitioners, in response to the Building Confidence Report. National consistency balanced with the specific requirements of the ACT market is important to support the building and construction industry and provide consumer protection.

Auditor-General's Observation

The ACT Government response indicated agreement-in-principle with the recommendation and highlighted that effecting change in this area is contingent on the support of the other States. The response otherwise indicated an undertaking for 'the ACT Government, led by the Environment, Planning and Sustainable Development Directorate will continue to work with our jurisdictional colleagues to make sure that jurisdiction shopping is minimised'.

EPSDD's *Annual Report 2023-24* identified that implementation of the recommendation was complete.

Auditor-General Report No.2 of 2023
Management of Operation Reboot (Outpatients)³
(14 June 2023)

Auditee

The auditee for this audit was Canberra Health Services.

Audit Objective

The objective of the audit was to assess the effectiveness of CHS' administration of Reboot (Outpatients).

Summary

Patients referred for diagnostic and treatment services from specialists, who may not need to be admitted to hospital but require hospital services, are known as outpatients.

In 2020 the ACT Government provided \$3.5 million to Canberra Health Services (CHS) for an additional 14,000 specialist outpatient appointments as part of 'Operation Reboot'. Operation Reboot aimed to help address the impact of COVID-19 on the public health system.

The audit considered the effectiveness of CHS' management of the outpatient services component of Operation Reboot, including its planning, implementation and monitoring and reporting arrangements.

Government response

Ms Rachel Stephen-Smith MLA, Minister for Health, tabled the ACT Government's response to the Performance Audit Report on 23 September 2023.⁴

³ [Report No. 2 of 2023 – Management of Operation Reboot Outpatients](#)

⁴ [PAC – AG Report No 2 of 2023 - Government Response Tabled 23 September 2023](#)

Recommendation 1 – Implementation planning

<p>Canberra Health Services should ensure the lessons from Reboot (Outpatients) inform planning for future emergency response scenarios. This should include the development and circulation of short checklists and templates to support project owners needing to develop effective implementation and risk management plans within short timeframes.</p>		
Government Response	Reported Status	Agreed
<p><i>Canberra Health Services (CHS) has developed a number of resources to assist project teams to plan, manage and control their projects. These resources are to ensure that projects are managed in accordance with a consistent and appropriate methodology so that deliverables are met on time, within scope and on budget. These resources, including templates, are available on the CHS intranet and can be adapted to support any future emergency response scenarios. Templates include guidance documents, initiation, planning, execution and closure documents.</i></p>		
Annual Report (CHS)	Last Reported Status	Complete
<p><u>2022-23 Annual Report:</u> Not reported.</p> <p><u>2023-24 Annual Report:</u> <i>CHS has developed a number of resources to assist project teams to plan, manage and control their projects. These resources are to ensure that projects are managed in accordance with a consistent and appropriate methodology so that deliverables are met on time, within scope and on budget. These resources, including templates, are available on the CHS intranet and can be adapted to support any future emergency response scenarios. Templates include guidance documents, initiation, planning, execution, and closure documents.</i></p>		
Auditor-General's Observation		
<p>The ACT Government response indicated agreement with the recommendation, and that it has been addressed through CHS' '[development of] a number of resources to assist project teams to plan, manage and control their projects'.</p> <p>CHS' <i>Annual Report 2023-24</i> reiterated the ACT Government response and indicated that implementation of the recommendation is complete.</p>		

Recommendation 2 – Procurement

<p>Canberra Health Services should review its procurement practices to ensure that future procurement activity is supported by evaluation of responses that is supported by:</p> <ol style="list-style-type: none"> consistent treatment of all prospective suppliers with respect to written submission requirements; rigorous evaluation of each supplier's response against specified criteria, with the results of the evaluation informing decision-making; detailed record-keeping, so that accurate information exists regarding how decisions are made and value for money is achieved; and consistent treatment of all suppliers regarding the development and implementation of contracts for the delivery and payment for services. 		
Government Response	Reported Status	Agreed
<p><i>CHS has reviewed its procurement practices and relevant financial management controls to enable greater compliance with its procurement requirements.</i></p> <p><i>CHS Procurement has established standardised procurement approaches that have been endorsed by the CHS Procurement Committee, which includes advice from the Executive Group Manager of Procurement ACT.</i></p> <p><i>Key requirements that CHS Procurement insist upon that accord with the Recommendations are:</i></p> <ul style="list-style-type: none"> <i>Each procurement is registered with the Whole of Government unique procurement identifier number and assigned a CHS Procurement Project Officer.</i> <i>Oversight and advice by a CHS Procurement Project Officer throughout the procurement project, including probity considerations.</i> <i>Development of evaluation and risk plans in accordance with Whole of Government templates and policy requirements such as Secure Local Job Code and Local Industry Participation.</i> <i>Reinforcement of the requirement for a tender evaluation report and value for money assessment to inform the Delegate's decision making independently of the tender evaluation team.</i> 		

- *Development of an improved Procurement Register and record keeping structure. All key procurement decisions are stored in the approved electronic record keeping system.*
- *Management of supplier/tenderer interactions throughout the procurement process including contract negotiations and execution. This includes utilising ACT Government Solicitor Contract templates and the requirement for a Purchase Order/s to be raised for each procurement project.*
- *In addition:*
- *All public/open tenders conducted by CHS Procurement are undertaken via Tenders ACT's electronic system and record keeping regime.*
- *All three quote and select tender processes are conducted by an independent team, CHS Tenders. CHS Tenders facilitate procurements with processes which have been modelled on Tenders ACT's system, with controls in place for record keeping and probity protocols.*

CHS has introduced a revised financial delegations regime which engenders greater responsibility to procurement legislation, systems and process compliance and training.

An independent audit is currently in progress to review CHS procurement and contracting. One focus of the review will be to identify any opportunities to further improve procurement compliance.

CHS Procurement encourages all staff conducting procurement activities to complete the suite of online procurement training developed by Procurement ACT. This includes modules regarding probity, value for money assessments, free trade and regulatory requirements.

Development of future procurement programs to identify procurement activities to enable appropriate procurement planning and resourcing.

Annual Report (CHS)	Last Reported Status	Complete
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2022-23 Annual Report:

Not reported.

2023-24 Annual Report:

CHS has reviewed its procurement practices and relevant financial management controls to enable greater compliance with its procurement requirements. CHS Procurement has established standardised procurement approaches that have been endorsed by the CHS Procurement Committee, which includes advice from the Executive Group Manager of Procurement ACT. Key requirements that CHS Procurement insist upon that accord with the recommendations are that each procurement is registered with the whole-of-government unique procurement identifier number and assigned a CHS procurement project officer.

Auditor-General's Observation

The ACT Government response indicated agreement with the recommendation, and that it has been addressed through CHS' '[reviewing] its procurement practices and relevant financial management controls to enable greater compliance with its procurement requirements'. The ACT Government response provided some detail on the revised practices and controls.

CHS' *Annual Report 2023-24* indicated that implementation of the recommendation is complete.

Auditor-General Report No.3 of 2023 Financial Management Services for Protected Persons⁵ (29 June 2023)

Auditee

The auditee for this audit was the Public Trustee and Guardian.

Audit Objective

The objective of the audit was to assess the effectiveness of the PTG's delivery and oversight of financial management services to protected persons.

Summary

The Public Trustee and Guardian (PTG) is a territory authority established under the Public Trustee and Guardian Act 1985 (PTG Act). The PTG supports some of the most vulnerable members of the Canberra community who require assistance in managing their lives.

If a person is unable to manage their affairs due to accident, illness, age or disability and has not prepared an enduring power of attorney, the ACT Civil and Administrative Tribunal (ACAT) may appoint a manager to manage all or part of that person's finances on their behalf. A person for whom a financial manager is appointed is referred to as a *protected person*.

The role of a financial manager is specified in the Guardianship and Management of Property Act 1991 (GMP Act). The powers that may be given to a protected person's financial manager are the powers that the person would have if they were legally competent to exercise powers in relation to their own property.

The PTG or another person (a private manager) may be appointed as a protected person's financial manager. The PTG is responsible for the examination of financial accounts submitted by private managers and reporting the outcomes of these examinations to ACAT.

The audit considered the PTG's delivery of financial management services to protected persons as well as its role in examining financial accounts submitted by private managers.

Government response

Mr Shane Rattenbury MLA, Chief Minister, tabled the ACT Government's response to the Performance Audit Report on 26 October 2023.⁶

⁵ [Report No. 3 2023 – Financial Management Services for Protected Persons](#)

⁶ [PAC – AG Report 3 of 2023 – Government Response Tabled 26 October 2023](#)

Recommendation 1 – FMSU Manual Review

The Public Trustee and Guardian should review and update the FMSU Manual on, at least, an annual basis.		
Government Response	Reported Status	Agreed
<p><i>The FMSU Manual is now annually reviewed with the last review completed in March 2023. Processes have been put in place to ensure annual review of the FMSU Manual.</i></p> <p><i>The implementation of the recommendation is complete.</i></p>		
Annual Report (PTG)	Last Reported Status	Complete
<p><u>2022-23 Annual Report:</u></p> <p><i>The ACT Auditor-General completed a performance audit in 2023 relating to the Public Trustee and Guardian - Report No. 3 of 2023: Financial Management Services for Protected Persons. The report was tabled on 28 June 2023. The report sets out 17 recommendations for consideration. In line with section 21 of the Auditor-General's Act 1996 a response from the Attorney-General as the relevant Minister will progress in the 2023-24 financial year. Implementation of seven (7) of the recommendations has already been completed.</i></p> <p><u>2023-24 Annual Report:</u></p> <p><i>Complete.</i></p>		
Auditor-General's Observation		
<p>The ACT Government response indicated agreement with the recommendation and that the implementation was complete, through the establishment of a process for the annual review of the FMSU Manual.</p> <p>The PTG's <i>Annual Report 2023-24</i> reiterated that the implementation of the recommendation was complete.</p>		

Recommendation 2 – ICT Systems to Support Financial Management

<p>The Public Trustee and Guardian should undertake a strategic review of its information management system needs. As part of this review the PTG should consider:</p> <p>a) the need for, and future uses of, the CRM modules and TACT; and</p> <p>b) the extent to which they need to be integrated.</p>		
Government Response	Reported Status	Agreed
<p><i>The Public Trustee and Guardian is progressing this recommendation by reviewing the documentation of its information management systems; confirming the systems used for the different functions across the agency; confirming the information and data held in each information management system; and identifying future use and integration needs.</i></p> <p><i>This recommendation needs to be completed across all of the agency's systems not just those used for financial management services. It is anticipated that the review (and other work) will be completed by 30 June 2024.</i></p>		
Annual Report (PTG)	Last Reported Status	In progress
<p><u>2022-23 Annual Report:</u></p> <p><i>The ACT Auditor-General completed a performance audit in 2023 relating to the Public Trustee and Guardian - Report No. 3 of 2023: Financial Management Services for Protected Persons. The report was tabled on 28 June 2023. The report sets out 17 recommendations for consideration. In line with section 21 of the Auditor-General's Act 1996 a response from the Attorney-General as the relevant Minister will progress in the 2023-24 financial year. Implementation of seven (7) of the recommendations has already been completed.</i></p> <p><u>2023-24 Annual Report:</u></p>		

Reviews of the PTG's information systems and Microsoft Dynamics instance were completed. The ACT Audit Office second audit (Report No. 6 of 2024 – Business Transformation Program: ICT renewal activities) will also inform the final review.

2024-25 Annual Report:

Not reported.

Auditor-General's Observation

The ACT Government response advised that the PTG would review its information management systems, to be completed by 30 June 2024.

The PTG's *Annual Report 2023-24* indicated the recommendation's implementation was in progress. The PTG's *Annual Report 2024-25* did not report on the recommendation. There is a lack of clarity on the outcomes of the review and the CRM modules and TACT.

Recommendation 3 – Risk Register

The Public Trustee and Guardian should:

- a) actively review and update its risk registers on a regular basis; and
- b) for those risks identified as High risks for which existing controls are inadequate, identify what additional monitoring or assurance strategies are intended to be applied to these risks.

Government Response

Reported Status

Agreed

The Public Trustee and Guardian is progressing improvements to its risk management practices to improve risk management across its operations and comply with ACT Government standards.

It is anticipated that these improvements to risk management will be completed by 31 December 2023.

Annual Report (PTG)

Last Reported Status

Complete

2022-23 Annual Report:

The ACT Auditor-General completed a performance audit in 2023 relating to the Public Trustee and Guardian - Report No. 3 of 2023: Financial Management Services for Protected Persons. The report was tabled on 28 June 2023. The report sets out 17 recommendations for consideration. In line with section 21 of the Auditor-General's Act 1996 a response from the Attorney-General as the relevant Minister will progress in the 2023-24 financial year. Implementation of seven (7) of the recommendations has already been completed.

2023-24 Annual Report:

Complete.

Auditor-General's Observation

The ACT Government response indicated agreement with the recommendation, through progressing of improvements to the PTG's risk management practices, and that implementation of the recommendation would be completed by December 2023.

The PTG's *Annual Report 2023-24* indicated that implementation of the recommendation was complete, but did not provide any further information on how this was achieved.

Recommendation 4 – Conflict of Interest Register

The Public Trustee and Guardian should:

- a) review its Conflict of Interests policy and update it as necessary; and
- b) in doing so, determine a practice for the management and updating of the Register of Conflicts of Interest.

Government Response	Reported Status	Agreed
<p>The Public Trustee and Guardian is reviewing its conflicts of interest policy and approach, including to record keeping.</p> <p>It is anticipated that a revised conflicts of interest policy and approach will be implemented by 31 December 2023.</p>		
Annual Report (PTG)	Last Reported Status	Complete
<p><u>2022-23 Annual Report:</u></p> <p>The ACT Auditor-General completed a performance audit in 2023 relating to the Public Trustee and Guardian - Report No. 3 of 2023: Financial Management Services for Protected Persons. The report was tabled on 28 June 2023. The report sets out 17 recommendations for consideration. In line with section 21 of the Auditor-General's Act 1996 a response from the Attorney-General as the relevant Minister will progress in the 2023-24 financial year. Implementation of seven (7) of the recommendations has already been completed.</p> <p><u>2023-24 Annual Report:</u></p> <p>Complete.</p>		
Auditor-General's Observation		
<p>The ACT Government response indicated agreement with the recommendation, through a revised conflicts of interest policy and approach, and that implementation of the recommendation would be completed by December 2023.</p> <p>The PTG's <i>Annual Report 2023-24</i> indicated that implementation of the recommendation was complete, but did not provide any further information on how this was achieved.</p>		

Recommendation 5 – Management of Potential Misconduct Allegations

<p>The Public Trustee and Guardian should ensure that Preliminary Assessments are conducted in accordance with the relevant ACT Public Sector Administrative and Related Classification Enterprise Agreement and the ACT Public Sector Standards Commissioner's Guidelines to the Misconduct Process, particularly in relation to timeliness.</p>		
Government Response	Reported Status	Agreed
<p>The Public Trustee and Guardian has adopted this recommendation into current practice.</p> <p>The implementation of the recommendation is complete.</p>		
Annual Report (PTG)	Last Reported Status	Complete
<p><u>2022-23 Annual Report:</u></p> <p>The ACT Auditor-General completed a performance audit in 2023 relating to the Public Trustee and Guardian - Report No. 3 of 2023: Financial Management Services for Protected Persons. The report was tabled on 28 June 2023. The report sets out 17 recommendations for consideration. In line with section 21 of the Auditor-General's Act 1996 a response from the Attorney-General as the relevant Minister will progress in the 2023-24 financial year. Implementation of seven (7) of the recommendations has already been completed.</p> <p><u>2023-24 Annual Report:</u></p> <p>Complete.</p>		
Auditor-General's Observation		
<p>The ACT Government response indicated agreement with the recommendation and that implementation was complete.</p> <p>The PTG's <i>Annual Report 2023-24</i> reiterated that implementation of the recommendation was complete, but did not provide any further information on how this was achieved.</p>		

Recommendation 6 – Case File Reviews

The Public Trustee and Guardian should review its processes for the conduct of case files reviews and in doing so establish and document processes for:

- a) regular review of case files identified as being high risk and complex; and
- b) random, unscheduled reviews of cases distributed across all Financial Managers.

Government Response	Reported Status	Agreed
<p><i>The Public Trustee and Guardian has implemented processes for the conduct of case file reviews including high risk reviews and random unscheduled reviews at appropriate times.</i></p> <p><i>The implementation of the recommendation is complete.</i></p>		
Annual Report (PTG)	Last Reported Status	Complete
<p><u>2022-23 Annual Report:</u></p> <p><i>The ACT Auditor-General completed a performance audit in 2023 relating to the Public Trustee and Guardian - Report No. 3 of 2023: Financial Management Services for Protected Persons. The report was tabled on 28 June 2023. The report sets out 17 recommendations for consideration. In line with section 21 of the Auditor-General's Act 1996 a response from the Attorney-General as the relevant Minister will progress in the 2023-24 financial year. Implementation of seven (7) of the recommendations has already been completed.</i></p> <p><u>2023-24 Annual Report:</u></p> <p><i>Complete.</i></p>		
Auditor-General's Observation		
<p>The ACT Government response indicated agreement with the recommendation and that implementation was complete through the implementation of processes for the conduct of case file reviews.</p> <p>The PTG's <i>Annual Report 2023-24</i> reiterated that implementation of the recommendation was complete.</p>		

Recommendation 7 – Assessment of Decision-Making Capability

The Public Trustee and Guardian should assess, and document, whether a protected person's views, wishes and preferences can be ascertained.

Government Response	Reported Status	Agreed
<p><i>The Public Trustee and Guardian documents a protected person's views in the initial client meeting record and this information is also found in ACT Civil and Administrative Tribunal orders, correspondence and other records.</i></p> <p><i>The implementation of the recommendation is complete.</i></p>		
Annual Report (PTG)	Last Reported Status	Complete
<p><u>2022-23 Annual Report:</u></p> <p><i>The ACT Auditor-General completed a performance audit in 2023 relating to the Public Trustee and Guardian - Report No. 3 of 2023: Financial Management Services for Protected Persons. The report was tabled on 28 June 2023. The report sets out 17 recommendations for consideration. In line with section 21 of the Auditor-General's Act 1996 a response from the Attorney-General as the relevant Minister will progress in the 2023-24 financial year. Implementation of seven (7) of the recommendations has already been completed.</i></p> <p><u>2023-24 Annual Report:</u></p> <p><i>Complete.</i></p>		

Auditor-General's Observation
<p>The ACT Government response indicated the recommendation's implementation was complete. The response is unclear what about actions to address the recommendation.</p> <p>The PTG's <i>Annual Report 2023-24</i> reiterated that implementation of the recommendation was complete.</p>

Recommendation 8 – Consultation During the Preparation of Budgets

<p>The Public Trustee and Guardian should update the FMSU Manual to specifically require documentation of consultation (or the reasons why consultation did not take place) with a protected person and/or their support persons during the development of their annual budget.</p>		
Government Response	Reported Status	Agreed
<p><i>The Public Trustee and Guardian has updated the FMSU Manual to meet this recommendation. Processes have also been implemented to ensure annual review of the FMSU Manual.</i></p> <p><i>The implementation of the recommendation is complete.</i></p>		
Annual Report (PTG)	Last Reported Status	Complete
<p><u>2022-23 Annual Report:</u></p> <p><i>The ACT Auditor-General completed a performance audit in 2023 relating to the Public Trustee and Guardian - Report No. 3 of 2023: Financial Management Services for Protected Persons. The report was tabled on 28 June 2023. The report sets out 17 recommendations for consideration. In line with section 21 of the Auditor-General's Act 1996 a response from the Attorney-General as the relevant Minister will progress in the 2023-24 financial year. Implementation of seven (7) of the recommendations has already been completed.</i></p> <p><u>2023-24 Annual Report:</u></p> <p><i>Complete.</i></p>		
Auditor-General's Observation		
<p>The ACT Government response the recommendation's implementation was complete vis FMSU Manual updates and review.</p> <p>The PTG's <i>Annual Report 2023-24</i> reiterated that implementation of the recommendation was complete.</p>		

Recommendation 9 – Annual Statements

<p>The Public Trustee and Guardian should provide an annual statement to a protected person or their guardian, unless there is a justified reason not to do so, which is documented on the protected person's client file.</p>		
Government Response	Reported Status	Agreed
<p><i>The Public Trustee and Guardian's current practice is to provide an annual statement to a protected person or their guardian unless there is a reason not to do so. The agency has now implemented processes to cross-check file notes and other data to ensure reasons for not providing the annual statement are recorded and that this is maintained on a client's file.</i></p> <p><i>The implementation of the recommendation is complete.</i></p>		
Annual Report (PTG)	Last Reported Status	Complete
<p><u>2022-23 Annual Report:</u></p> <p><i>The ACT Auditor-General completed a performance audit in 2023 relating to the Public Trustee and Guardian - Report No. 3 of 2023: Financial Management Services for Protected Persons. The report was tabled on 28 June 2023. The report sets out 17 recommendations for consideration. In</i></p>		

line with section 21 of the Auditor-General's Act 1996 a response from the Attorney-General as the relevant Minister will progress in the 2023-24 financial year. Implementation of seven (7) of the recommendations has already been completed.

2023-24 Annual Report:

Complete.

Auditor-General's Observation

The ACT Government response indicated the recommendation's implementation was complete via additional administrative processes.

The PTG's *Annual Report 2023-24* reiterated that implementation of the recommendation was complete.

Recommendation 10 – Cost Review

The Public Trustee and Guardian should undertake an assessment of the costs associated with providing financial management services to protected persons. The cost review could then be used as a basis for determining its funding base and fees for services. The Public Trustee and Guardian should undertake an assessment of the costs associated with providing financial management services to protected persons. The cost review could then be used as a basis for determining its funding base and fees for services.

Government Response

Reported Status

Agreed

The Public Trustee and Guardian reviews its budget and funding every financial year and throughout the year. This recommendation will be actioned in the 2023-24 financial year in readiness for the 2024-25 budget process.

Specific decisions about funding and fees will be taken by the government in the context of the usual budget process.

Annual Report (PTG)

Last Reported Status

Complete

2022-23 Annual Report:

The ACT Auditor-General completed a performance audit in 2023 relating to the Public Trustee and Guardian - Report No. 3 of 2023: Financial Management Services for Protected Persons. The report was tabled on 28 June 2023. The report sets out 17 recommendations for consideration. In line with section 21 of the Auditor-General's Act 1996 a response from the Attorney-General as the relevant Minister will progress in the 2023-24 financial year. Implementation of seven (7) of the recommendations has already been completed.

2023-24 Annual Report:

Complete.

Auditor-General's Observation

The ACT Government response indicated PTG would action the recommendation '...in the 2023-24 financial year in readiness for the 2024-25 budget process'.

The PTG's *Annual Report 2023-24* indicated the recommendation's implementation was complete but did not provide further information on how this was achieved.

Recommendation 11 – Establishment of a Complaints Co-ordinator

The Public Trustee and Guardian should designate a Complaints Co-ordinator to manage, and respond to, complaints in accordance with its Complaints Policy.

Government Response

Reported Status

Agreed in principle

The Public Trustee and Guardian is not large enough, nor do complaint volumes justify, a designated full-time Complaints Co-ordinator. At present, a senior officer of the agency manages complaints when received. The agency will define these arrangements and the role of Complaints Co-ordinator in a revised complaints handling framework.

It is anticipated that this recommendation will be completed by 31 January 2024.

Annual Report (PTG)	Last Reported Status	Complete
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2022-23 Annual Report:

The ACT Auditor-General completed a performance audit in 2023 relating to the Public Trustee and Guardian - Report No. 3 of 2023: Financial Management Services for Protected Persons. The report was tabled on 28 June 2023. The report sets out 17 recommendations for consideration. In line with section 21 of the Auditor-General's Act 1996 a response from the Attorney-General as the relevant Minister will progress in the 2023-24 financial year. Implementation of seven (7) of the recommendations has already been completed.

2023-24 Annual Report:

Complete.

Auditor-General's Observation

The ACT Government response indicated it would not designate a full-time Complaints Co-ordinator because 'at present, a senior officer of the agency manages complaints when received'. The audit recommendation was not seeking the appointment of a 'full-time Complaints Co-ordinator' but that an officer be identified and tasked with responsibility for handling complaints, for which the CEO was previously responsible.

The PTG's Annual Report 2023-24 indicated the recommendation's implementation was complete but did not provide further information on how this was achieved.

Recommendation 12 – Recording Complaints

The Public Trustee and Guardian should record in its complaints register information on the category and nature of a complaint, the outcome of the complaint, the name of the client (as well as the complainant) and whether the client is a protected person.

Government Response	Reported Status	Agreed
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The Public Trustee and Guardian will address these recommendations and revise its existing complaints register in a revised complaints handling framework.

It is anticipated that this recommendation will be completed by 31 January 2024.

Annual Report (PTG)	Last Reported Status	Complete
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2022-23 Annual Report:

The ACT Auditor-General completed a performance audit in 2023 relating to the Public Trustee and Guardian - Report No. 3 of 2023: Financial Management Services for Protected Persons. The report was tabled on 28 June 2023. The report sets out 17 recommendations for consideration. In line with section 21 of the Auditor-General's Act 1996 a response from the Attorney-General as the relevant Minister will progress in the 2023-24 financial year. Implementation of seven (7) of the recommendations has already been completed.

2023-24 Annual Report:

Complete.

Auditor-General's Observation

The ACT Government response advised the PTG would pursue revision to the complaints register and a revised complaints handling framework, to be completed by 31 January 2024.

The PTG's Annual Report 2023-24 indicated the recommendation's implementation was complete but did not provide further information on how this was achieved.

Recommendation 13 – Reporting Complaints

The Public Trustee and Guardian should include in its annual report information on all complaints it receives, including information on the timeliness of complaints resolution and the broad actions taken to resolve the complaints.		
Government Response	Reported Status	Agreed
<p><i>The Public Trustee and Guardian will address this recommendation in future annual reports following the implementation of a revised complaints handling framework (see above).</i></p> <p><i>It is anticipated that this recommendation will be completed by October 2024 (in line with 2023-24 annual report timeframes).</i></p>		
Annual Report (PTG)	Last Reported Status	Complete
<p><u>2022-23 Annual Report:</u></p> <p><i>The ACT Auditor-General completed a performance audit in 2023 relating to the Public Trustee and Guardian - Report No. 3 of 2023: Financial Management Services for Protected Persons. The report was tabled on 28 June 2023. The report sets out 17 recommendations for consideration. In line with section 21 of the Auditor-General's Act 1996 a response from the Attorney-General as the relevant Minister will progress in the 2023-24 financial year. Implementation of seven (7) of the recommendations has already been completed.</i></p> <p><u>2023-24 Annual Report:</u></p> <p><i>Complete.</i></p>		
Auditor-General's Observation		
<p>The ACT Government response advised PTG would pursue a revision to the complaints register and a revised complaints handling framework, to be completed by October 2024.</p> <p>The PTG's <i>Annual Report 2023-24</i> indicated the recommendation's implementation was complete but did not provide further information on how this was achieved.</p>		

Recommendation 14 – Evaluating the Quality of Service Delivery

The Public Trustee and Guardian should develop and implement a strategic approach to evaluating the quality of its financial management services for protected persons. This could be received through a properly conducted survey of protected persons or through the invitation of targeted feedback from protected persons or their representatives.		
Government Response	Reported Status	Agreed
<p><i>The Public Trustee and Guardian will develop and implement approaches for measuring client experience appropriate to the services the agency provides. It is anticipated that this recommendation will be completed by 30 June 2024.</i></p>		
Annual Report (PTG)	Last Reported Status	Complete
<p><u>2022-23 Annual Report:</u></p> <p><i>The ACT Auditor-General completed a performance audit in 2023 relating to the Public Trustee and Guardian - Report No. 3 of 2023: Financial Management Services for Protected Persons. The report was tabled on 28 June 2023. The report sets out 17 recommendations for consideration. In line with section 21 of the Auditor-General's Act 1996 a response from the Attorney-General as the relevant Minister will progress in the 2023-24 financial year. Implementation of seven (7) of the recommendations has already been completed.</i></p> <p><u>2023-24 Annual Report:</u></p> <p><i>Complete.</i></p>		
Auditor-General's Observation		

The ACT Government response advised the PTG would develop and implement ‘approaches for measuring client experience appropriate to the services the agency provides’, to be completed by 30 June 2024.

The PTG’s *Annual Report 2023-24* indicated the recommendation’s implementation was complete but did not provide further information on how this was achieved.

Recommendation 15 – Requirement for Information on Expenditure

The Public Trustee and Guardian should seek an addition to section 6 of the *Guardianship and Management of Property Regulation 1991* to explicitly require a private manager to lodge information with respect to a protected person’s expenditure.

Government Response	Reported Status	Agreed
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The Public Trustee and Guardian has written to the Justice and Community Safety Directorate and requested this change. The Directorate have advised changes to the regulation will be completed by the end of 2023.

The implementation of the recommendation is complete.

Annual Report (PTG)	Last Reported Status	Complete
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2022-23 Annual Report:

The ACT Auditor-General completed a performance audit in 2023 relating to the Public Trustee and Guardian - Report No. 3 of 2023: Financial Management Services for Protected Persons. The report was tabled on 28 June 2023. The report sets out 17 recommendations for consideration. In line with section 21 of the Auditor-General’s Act 1996 a response from the Attorney-General as the relevant Minister will progress in the 2023-24 financial year. Implementation of seven (7) of the recommendations has already been completed.

2023-24 Annual Report:

Complete.

Auditor-General’s Observation

The ACT Government response indicated agreement with the recommendation and that the implementation was complete, through changes to the regulation ‘to be completed by the end of 2023’.

The PTG’s *Annual Report 2023-24* indicated the recommendation’s implementation was complete but did not provide further information on how this was achieved.

Recommendation 16 – Review of Financial Statements

The Public Trustee and Guardian should review its processes for the examination of accounts submitted by private managers.

This could involve:

- a) establishing an annual process that allows for the random selection of a predetermined number of accounts to examine in detail; or
- b) undertaking a risk assessment to identify high risk accounts that should undergo additional scrutiny.

Government Response	Reported Status	Agreed in principle
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The Public Trustee and Guardian will review its processes and having regard to the law and this agency’s role in examination of private manager accounts, consider the suggestions for implementation (including any cost implications).

It is anticipated that this recommendation will be completed by 30 June 2024.

Annual Report (PTG)	Last Reported Status	Complete
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2022-23 Annual Report:

The ACT Auditor-General completed a performance audit in 2023 relating to the Public Trustee and Guardian - Report No. 3 of 2023: Financial Management Services for Protected Persons. The report was tabled on 28 June 2023. The report sets out 17 recommendations for consideration. In line with section 21 of the Auditor-General's Act 1996 a response from the Attorney-General as the relevant Minister will progress in the 2023-24 financial year. Implementation of seven (7) of the recommendations has already been completed.

2023-24 Annual Report:

Complete.

Auditor-General's Observation

The ACT Government response advised PTG would 'review its processes and having regard to the law and this agency's role in examination of private manager accounts, consider the suggestions for implementation (including any cost implications)'. To be completed by 30 June 2024.

The PTG's *Annual Report 2023-24* indicated the recommendation's implementation was complete but did not provide further information on how this was achieved.

Recommendation 17 – Clarification of Roles

The Public Trustee and Guardian should, with the assistance of the Justice and Community Safety Directorate and in consultation with ACAT, decide whether the PTG have a role in recommending potential courses of action to be undertaken by ACAT in the event of non-compliance by a private manager.

Government Response

Reported Status

Agreed

The Public Trustee and Guardian will engage with the Justice and Community Safety Directorate and the ACT Civil and Administrative Tribunal to finalise a position on this issue.

It is anticipated that this recommendation will be completed by 31 December 2023.

Annual Report (PTG)

Last Reported Status

Complete

2022-23 Annual Report:

The ACT Auditor-General completed a performance audit in 2023 relating to the Public Trustee and Guardian - Report No. 3 of 2023: Financial Management Services for Protected Persons. The report was tabled on 28 June 2023. The report sets out 17 recommendations for consideration. In line with section 21 of the Auditor-General's Act 1996 a response from the Attorney-General as the relevant Minister will progress in the 2023-24 financial year. Implementation of seven (7) of the recommendations has already been completed.

2023-24 Annual Report:

Complete.

Auditor-General's Observation

The ACT Government response advised the PTG would engage with JACS and ACAT 'to finalise a position on this issue' and this was to be completed by 31 December 2023.

The PTG's *Annual Report 2023-24* indicated the recommendation's implementation was complete but did not provide further information on how this was achieved.

Auditor-General Report No.4 of 2023

Procurement of a Hybrid Electric Fire Truck⁷

(30 June 2023)

Auditee

The auditee for this audit was the ACT Emergency Services Agency within the Justice and Community Safety Directorate.

Audit Objective

The objective of the audit was to assess the effectiveness of the ACT Emergency Service Agency's procurement of the hybrid electric fire truck.

Summary

On 1 September 2020 the ACT Emergency Services Agency signed a contract with Rosenbauer Australia Pty Ltd (and S.K. Rosenbauer Pte. Ltd of Singapore) for the supply of urban pumpers (i.e. fire trucks). Four fire trucks have been ordered through the contract:

- three diesel fire trucks, at a cost of \$813,155 (GST ex) each (including import duty, training and delivery); and
- one hybrid electric fire truck, at a cost of \$1,524,387 (GST ex) (excluding import duty, training and delivery).

The procurement of the hybrid electric fire truck was initially pursued throughout 2019 through a limited market approach (previously referred to as a single select process). When this did not proceed, because of the impact of the COVID-19 pandemic on the Territory's Budget processes, the procurement of the hybrid electric fire truck was incorporated into another 2020 public procurement process for the supply of urban pumpers.

The audit considered the effectiveness of the ESA's processes for the procurement of the hybrid electric fire truck.

Government response

Mr Mick Gentleman MLA, Minister for Police and Emergency Services, tabled the ACT Government's response to the Performance Audit Report on 26 October 2023.⁸

⁷ [Report No. 4 of 2023 – Procurement of a Hybrid Electric Fire Truck](#)

⁸ [PAC – AG Report 4 of 2023 – Government Response Tabled 26 October 2023](#)

Recommendation 1 – Assessment of Hybrid Electric Fire Truck Suitability

The ESA should, prior to its deployment, formally assess and confirm that the hybrid electric fire truck meets the needs of the ESA as an urban pumper in the Territory.

Government Response

Reported Status

Agreed

It is standard ESA process to complete an evaluation plan, and implement a training plan, for all new ESA vehicles, prior to them becoming operational. This process will also be undertaken for the hybrid electric fire truck. As the hybrid electric fire truck is the first of its kind in the ESA fleet, this approach will be particularly important.

With the hybrid electric fire truck becoming the pinnacle of the current fleet of urban pumpers, the ESA will use this vehicle as the baseline for its future fleet. A comprehensive, and robust evaluation and training plan will inform future decisions as the ESA seeks to continuously improve its fleet as new technology emerges.

While the Auditor-General's recommendation requires the ESA to ensure the hybrid electric fire truck meets its needs as an urban pumper, the ESA's intent was to procure a vehicle that would provide benefits for firefighters and the community that go above and beyond what the current urban pumpers offer.

The ESA called upon the knowledge and expertise of the end users (firefighters) to design and test the final specification and layout for the hybrid electric fire truck. As a baseline, the firefighters were asked to apply a comprehensive statement of requirements and agreed layout consistent with the standard urban pumper.

Annual Report (JACS)

Last Reported Status

Complete

2022-23 Annual Report:

Not reported.

2023-24 Annual Report:

ACTF&R has developed a staged approach to the implementation of the hybrid Pumper. This staged approach includes, appliance familiarisation and staff training, understanding of best operational practice, and development and delivery of best practice and mechanical sympathy on the appliance. Training of subject matter experts and driving instructors will commence in mid-July 2024. On completion of this training, a rollout of training to operational crews will commence.

Upon 80% of operational staff being trained, the vehicle will enter operational service.

2024-25 Annual Report:

As of 25 March 2025, the Appliance became operational, following a proof-of-concept phase that began in late December 2024, during which it was paired with another appliance.

Auditor-General's Observation

The ACT Government response indicated agreement with the recommendation.

JACS' *Annual Report 2023-24* identified the recommendation's implementation was complete. The response was focused on the introduction of the hybrid electric fire truck to end users.

JACS' *Annual Report 2024-25* provided an update on the hybrid electric fire truck's status, noting that it became operational in March 2025 following a 'proof-of-concept phase that began in late December 2024'.

Auditor-General Report No.5 of 2023

Activities of the Government Procurement Board⁹

(20 July 2023)

Auditee

The primary auditee for this audit was the Government Procurement Board.

Audit Objective

The objective of the audit was to assess the efficiency and effectiveness of the Government Procurement Board in improving procurement practices, with a focus on:

- systems and processes for reviewing procurement proposals and giving advice to Territory Entities; and
- the response of Territory Entities to advice provided by the Board on a selection of procurement proposals.

Summary

The Government Procurement Board is a part of the Territory's overall procurement framework. The Board has been in operation for more than twenty years. Section 5 of the Government Procurement Act 2001 establishes the Board and section 6 establishes its functions. One of the Board's functions is to review certain procurement proposals and provide advice to the Territory Entity intending to undertake the procurement.

The Board comprises nine public employee and non-public employee members. In the five years to June 2022 the Board has reviewed 411 separate proposals with an estimated value of \$10.925 billion. The Board's workload is progressed through weekly two-hour meetings, with minutes of the meetings recording its formal advice for Territory Entities.

The audit considers processes for the referral of procurement proposals to the Board by Territory Entities and the Board's review of the proposals and provision of advice. Three case studies (Canberra Health Services, Roads ACT and Canberra Institute of Technology) consider how the Board's advice has been responded to.

Government response

Mr Chris Steel MLA, Special Minister of State, tabled the ACT Government's response to the Performance Audit Report on 21 September 2023.¹⁰

⁹ [Report No. 5 of 2023 – Activities of the Government Procurement Board](#)

¹⁰ [PAC – AG Report 5 of 2023 – Government Response Tabled 21 September 2023](#)

Recommendation 1 – Thresholds for Referral

The Government should review:

- a) the value thresholds established in the Regulation, and if deemed appropriate, propose revisions; and
- b) the referral ‘classes’ and how referral rules are established and implemented.

Government Response	Reported Status	Agreed		
<p><i>Section 11 of the Government Procurement Regulation 2007 (the Regulation) currently sets value thresholds for the review of procurement proposals by the Board. The thresholds are mainly linked to the total estimated value of a procurement: \$5 million for Directorates and \$1 million for all other Territory entities subject to the Government Procurement Act 2001 (Act). The thresholds for ICT procurement with an element of system design or development, and for disposals are set at \$1 million for all Territory entities.</i></p> <p><i>Likewise, where the Board has endorsed a strategic procurement plan for a procurement, there is no requirement to have a related procurement proposal reviewed by the Board. Territory entities have instead used this function to present a range of different unrelated procurements at one time.</i></p> <p><i>No other basis for referral has been established. The dollar value-based thresholds have not been revised since 2007. The passage of time and the changing nature of Government procurements and the marketplace, including the increasing use of whole of Government standing arrangements and panels, means these thresholds may no longer be appropriate. The ACT Government is supportive of increasing these values, where doing so remains complementary to the Government’s commitments to strengthening the procurement process and maintaining transparency. To this end, the Government will establish new thresholds of \$7 million for all Territory entities subject to the Act, as well as for disposals and ICT procurements with an element of system design or development.</i></p> <p><i>As identified by the Auditor-General’s report ‘...a value threshold alone is not a sufficient indicator of procurement risk. Recommendation 15 refers to a risk-based referral process.’</i></p> <p><i>To support the Government’s response to this Report, the Government Procurement Regulation 2007 will be updated to provide the following threshold and risk-based approach to identifying procurements requiring review by the Board.</i></p> <p><i>Under the new arrangement a Delegate or Chief Executive Officer will refer a procurement that meets value and risk thresholds to the Board for review. To ensure the Board is engaged at the most impactful stages of proposal formulation, a procurement must be referred to the Board at least six weeks before the anticipated approach to market or Anticipated Procurement Activity reports, where:</i></p> <ol style="list-style-type: none"> <i>1) a procurement that has a total estimated value of \$7 million or more (for acquisitions and disposals); or</i> <i>2) a procurement that, irrespective of its total estimated value, is in the plan phase (before an approach to market), and meets at least one of the following thresholds:</i> <ol style="list-style-type: none"> <i>a) has been assessed by the procuring Territory entity as having a high or extreme risk rating;</i> <i>b) is for an ICT enterprise system or solution;</i> <i>c) is for a cooperative or collaborative arrangement across Directorates or Territory entities, including panel arrangements;</i> <i>d) proposes a substantial change (variation) that would change the scope or nature of the goods, services, works or property procured under a contract. Examples of substantial change include:</i> <ol style="list-style-type: none"> <i>i) extending a contract where this was not considered by the procurement and not built into the contract (noting that drafting a contract so that it has no end date (ever-green contracts) is never appropriate);</i> <i>ii) changing the nature or volume of goods or services, property or works, delivery schedule or completion date where this was not considered by the original procurement and not reflected in the contract;</i> <i>iii) changing the contract price where this was not considered by the original procurement and not included in the contract;</i> <i>iv) multiple smaller changes in scope, nature or price may together be considered a substantial change; or</i> <i>v) any other change that materially increases the overall allocation of risk or transfer risks to the ACT Government. Note: The adoption of a commissioning methodology, where the scope or outcomes have not substantially varied, would not be considered a change to the scope of the procurement or nature of the goods, services, works or property.</i> 				

3) a procurement that, irrespective of its total estimated value, is in the source phase (before entering into contract), where a delegate is considering overturning the recommendations of the Evaluation Team (in accordance with the ACT Government Probity in Procurement Guide probity advice is required in these circumstances, where probity advice has not been sought the matter must be referred to the Board);

4) a procurement that, irrespective of its total estimated value, or phase in the lifecycle of the procurement, is referred to the Board by at least one of the below parties:

- a) the Minister;
- b) the Chief Executive or the delegate in the relevant procuring entity;
- c) by Procurement ACT or Major Projects Canberra, including in circumstances where there is a market for the goods, services or works and one or more of the proposed suppliers that are currently providing the goods, services or works are proposed to be re-engaged for the same activity through a limited or selective tender; or
- d) by a Probity Advisor or probity auditor, and
 - i. A procurement that the Board has identified for review from the Anticipated Procurement Activity report, where the procurement is not otherwise expected to be referred to the Board.

This will ensure the Board has increased visibility of both high value procurements, but also procurements that pose a high risk to the Territory. A Risk Assessment Matrix will assist Territory entities in determining if the procurement is high risk. A risk assessment tool will be agreed by the Government Procurement Board and will include consideration of the following factors:

- a) whether the requirements of the procurement are standard and commonly purchased, or one off and unique;
- b) whether the requirements of the procurement include the provision of sensitive or confidential information to the supplier;
- c) market concentration or risks of anti-competitive behaviour;
- d) the likelihood of public interest in the procurement or reputational risk for the entity or the Government; and
- e) the complexity of the approach to market and request type (refer PLN02-Approach-toMarket-and-Request-Types.pdf (act.gov.au))

The delegate responsible for the procurement must approve the risk assessment. The ability to avoid the procurement proposal review by having an endorsed strategic procurement plan is also proposed to be removed, in line with the ACT Government response to Recommendation 7.

These provisions will be further strengthened by the ACT Government’s response to Recommendations 4-10.

Annual Report (CMTEDD)	Last Reported Status	Complete
<p><u>2022-23 Annual Report:</u></p> <p>Not reported.</p> <p><u>2023-24 Annual Report:</u></p> <p>On 7 February 2024, the Legislative Assembly passed the proposed amendments to the Government Procurement Act 2001 (Act) and the Government Procurement Regulation 2007 (Regulation). The amendments commence on 1 July 2024. Under section 14 of the Regulation, the monetary thresholds have been increased to \$7 million, and risk considerations introduced to establish and implement referral classes and rules. This recommendation is supported by measures giving effect to the Government’s agreement to recommendations 3, 4 and 5.</p>		
Auditor-General’s Observation		
<p>The ACT Government response indicated agreement with the recommendation.</p> <p>CMTEDD’s Annual Report 2023-24 identified that the implementation of the recommendation was complete, with new thresholds and a risk-based referral process identified.</p>		

Recommendation 2 – Board Purpose and Functions

The Government should clearly articulate the Board’s purpose taking into account the context in which Territory procurement is undertaken in 2023.

In doing so:

- a) consideration should be given to whether the Board’s primary function is to guide system level policy and practice or individual proposal level practice;
- b) a statement of purpose should be made, which includes primary and subordinate purposes and functions; and

c) the Act and Regulation should be amended as necessary.

Government Response

Reported Status

Agreed

To support the changes to the Board’s functions, remit, or governance in accordance with contemporary needs, the Government will table updated legislation that will articulate the objectives of the Board at a high-level. Proposed amendments to the Government Procurement Act 2001 to replace the current functions of the Board in section 6 of the Act with a statement, which will establish the overarching purpose of the Board as providing the Territory with strategic direction in relation to procurement through several functions. The Board’s purpose will be set in legislation as a clear articulation from which the functions are derived and articulated in the Board’s Terms of Reference. The terms of reference will be re-affirmed annually.

The Act will be amended to outline the objectives of Board which are currently to:

- (i) Review and make recommendations or directions on procurements in accordance with the thresholds set in the Regulation.
- (ii) Review and endorse Whole of Government procurement practices.
- (iii) Make recommendations to the Minister in relation to making any endorsed Whole of Government procurement practices through subordinate legislation.
- (iv) Anything else directed by the Minister.

In addition, the powers to direct the Board under the Act, the Minister will issue an annual Direction to the Government Procurement Board to provide the Board’s Strategic Direction for that financial year. The Direction will be developed in consultation with the Board and will support the Board in meeting its objectives under the Act.

The Direction will also outline how the Minister wishes the Board to pursue its objectives in accordance with the Act, including any areas of focus such as a specific procurement category, as well as outlining any variation to the reporting requirements of the Board. The Direction will be updated annually, or as required, by the Minister, to respond to emerging issues. The Board will provide annual reports to the Minister on the Strategic Directions. The reports will outline, at minimum:

- any Territory entity specific or systemic procurement risks identified by the Board, along with recommendations to address any identified issue;
- any instances where the Board has concerns about the implementation of its advice by a Territory entity including the process by which these concerns were escalated in accordance with the escalation process identified in the Board’s Terms of Reference;
- any procurement policy or process matter that the Minister advises the Board they wish to receive an update on; and
- any other matter the Minister directs the Board to report on.

The above reporting does not prevent the Board from referring any matter to the Minister, as required.

Annual Report (CMTEDD)

Last Reported Status

Complete

2022-23 Annual Report:

Not reported.

2023-24 Annual Report:

On 7 February 2024, the Legislative Assembly passed the proposed amendments to the Government Procurement Act 2001 (Act) and the Government Procurement Regulation 2007 (Regulation). The amendments commence on 1 July 2024.

From that date, Part 4 of the Act establishes purpose and function of the Board.

The purpose of the Board, as set out in Section 29(1) of the Act, is to provide the Territory with strategic direction in relation to procurement.

The functions of the Board are set out in section 29(2) of the Act and align with the purpose of the Board. Part 5 of the Regulation set out details in relation to the Board, relevantly, relating to the Board’s review of procurements, and Board proceedings and reporting.

Auditor-General’s Observation

The ACT Government response indicated agreement with the recommendation.

CMTEDD’s Annual Report 2023-24 identified that implementation of the recommendation was complete, with a newly articulated purpose for the Government Procurement Board.

Recommendation 3 – Accountability and Transparency

Territory Entities should clearly authorise all documentation presented to the Board.		
Government Response	Reported Status	Agreed
<p><i>The Board's Terms of Reference will require that all documentation presented to the Board must be authorised by the relevant Delegate or Chief Executive Officer.</i></p> <p><i>To support the Board's oversight of this requirement, templates will be updated by Procurement ACT to ensure that the relevant Delegate or Chief Executive Officer needs to sign to authorise documents proceeding to the Board. The Board Secretariat will not accept the documents unless they have been signed by an appropriately authorised official.</i></p>		
Annual Report (CMTEDD)	Last Reported Status	Complete
<p><u>2022-23 Annual Report:</u> Not reported.</p> <p><u>2023-24 Annual Report:</u> <i>To ensure the Board's oversight of this requirement, a new template has been released to require the relevant Chief Executive Officer or their delegate to authorise all documentation submitted to the Board.</i></p>		
Auditor-General's Observation		
<p>The ACT Government response indicated agreement with the recommendation.</p> <p>CMTEDD's <i>Annual Report 2023-24</i> identified that the implementation of the recommendation was complete, with new processes required for the submission of information to the Government Procurement Board.</p>		

Recommendation 4 – Two-pass Review Process

The Government should consider the merits of continuing with the two-pass review process in the light of wider consideration of the Board's purpose and functions.		
Government Response	Reported Status	Agreed
<p><i>Currently, a two-pass process applies to goods and services procurements only. The first is a strategic review which focuses on the procurement strategy such as options, strategic objectives and risks and the second pass focuses on the details of the procurement captured in the full procurement documentation suite. Due to a range of factors including the timeliness of presentation to the Board, the process is ineffective. The process is mainly ineffective as there are no accountability mechanisms in place to ensure proponents are implementing Board advice.</i></p> <p><i>It is proposed that the two-pass process be modified and applied to all procurements presented to the Board and not just goods and services. This is to ensure proponents receive advice at a time that it can be practically implemented and also to mitigate the risk of proponents disregarding the Board's advice. Broadly, the process will operate as follows:</i></p> <ol style="list-style-type: none"> <i>1) The Proponent presents procurement proposal to the Board.</i> <i>2) The Board provides advice to the proponent on their proposal and establishes whether the advice is of a risk profile that requires a return for a second pass.</i> <i>3) The proponent implements the Board advice and returns to the Board for a second pass if identified.</i> <i>4) If the proponent has not implemented the Board's advice when they return for the second pass, escalation post the review will occur as discussed below.</i> <p><i>Separately, a procurement proposal brought to the Board for review will be unable to progress unless any procurement risks have been mitigated. Where the Board does not discharge its function or does not otherwise consider that the risks are mitigated, the Territory entity cannot proceed with this proposal without breaching legislation.</i></p>		

Depending on the issues and the structure of the entity, the process provides visibility of the Board's views to the Delegate/the Chief Executive of the Territory entity/a relevant board, and the relevant Minister for the portfolio.

Proposed changes to the Government Procurement Regulation 2007 will ensure that a procurement proposal must be provided for the Board's review at least six weeks before the anticipated approach to market date.

- The Board will discharge its review functions only where a procurement proposal meets the minimum requirements in section 12 of the Government Procurement Regulation 2007, with further details of those minimum requirements set out in the Board's Terms of Reference, which will include a review schema.

The Board provides a Risk Assessment Matrix to assist Territory entities in determining risk in procurement. The risk assessment tool will include consideration of the following factors:

- whether the requirements of the procurement are standard and commonly purchased, or one off and unique;
- whether the requirements of the procurement include the provision of sensitive or confidential information to the supplier;
- market concentration or risks of anti-competitive behaviour;
- the likelihood of public interest in the procurement or reputational risk to the entity or Government;
- the complexity of the approach to market and request type (refer [PLN02-Approach-toMarket-and-Request-Types.pdf \(act.gov.au\)](#)); and
- where the Board seeks to evaluate a procurement not otherwise expected to be referred to it, the Board will advise the relevant Chief Executive of the Territory entity of its intention to do so.

In all cases, when considering a procurement, the Board must consider whether the Territory entity has applied the relevant provisions of the Government Procurement Act 2001 (at a minimum, provisions relating to the pursuit of value for money), the Government Procurement Regulation 2007, associated regulations and legislative instruments.

In all cases, when considering a procurement, the Board must issue written recommendations, to the relevant delegate for the procurement, that clearly articulates:

- a) whether in the Board's view the Territory entity has applied the relevant provisions of the Government Procurement Act 2001 (at a minimum, provisions relating to the pursuit of value for money), the Government Procurement Regulation 2007, associated regulations and other legislative instruments;
- b) if the answer to (a) is yes, whether there are any observations that would enhance value for money;
- c) if the answer to (a) is no, what specific unmitigated risks remain and what is the recommended treatment, and whether the treatment must occur before proceeding further with the procurement.

In the case of (c), the Board must require that the Territory entity address the relevant risks and bring the matter back to the Board with an explanation of the treatment.

Where, following Territory entity return to the Board, the Board still considers that there is an unmitigated risk, the Board must bring the matter to the attention of the relevant Chief Executive of the Territory entity, and must advise them not to proceed with the procurement until the relevant risks have been mitigated, including through obtaining independent professional advice.

The Chief Executive of the Territory entity must provide written response to the Board and their responsible Minister of the actions taken to resolve the relevant unmitigated risks, before proceeding with the procurement. Any actions taken by the Territory entity will be considered in the context of the accountability of the relevant Chief Executive to the responsible Minister under the Financial Management Act 1996 for the efficient and effective financial management of the public resources for which the Directorate is responsible. An unmitigated risk will be clearly defined as any factor that in the Board's view presents a high to extreme risk to a Territory Entity's ability to pursue value for money under section 22A of the Act (e.g., risks to open and effective competition, probity and ethics), and which has not been adequately addressed in the documentation presented to the Board.

This approach will provide a clear administrative process in relation to the review of procurement proposals by the Board and allows greater flexibility than changes to legislation alone.

Additionally, only procurement proposals that meet the minimum standards are reviewed by the Board, which will ensure that the Board's time is not devoted to partially complete matters, while at the same time allowing the Territory Entity greater time to consider Board advice.

Lastly, this process also has the advantage of clearly specifying the relevant risk environment, ensuring that the Board considers proposals with an unmitigated risk a second time and provides clearer documentation of process as well as the expectations of proponents – including an escalation process to highlight and resolve unmitigated risks.

Annual Report (CMTEDD)

Last Reported Status

Complete

2022-23 Annual Report:

Not reported.

2023-24 Annual Report:

On 7 February 2024, the Legislative Assembly passed the proposed amendments to the Government Procurement Act 2001 (Act) and the Government Procurement Regulation 2007 (Regulation). The amendments commence on 1 July 2024.

From that date, and in light of broader considerations of the Board's purpose and functions in Part 4 of the Act, section 30 of the Act replaces the two-pass process by establishing the process that a Territory entity must follow when issued a written recommendation from the Board. This includes written explanation from the Territory entity to the Board about how the Territory entity has, or intends to, address the Board's recommendation, and an appropriate escalation process if the Board considers that its advice has not been addressed or adequately addressed.

Auditor-General's Observation

The ACT Government response indicated agreement with the recommendation.

CMTEDD's Annual Report 2023-24 identified that the implementation of the recommendation was complete, following the implementation of new processes and procedures associated with the actioning of advice provided by the Government Procurement Board.

Recommendation 5 – Review Process Improvement

In the light of wider consideration of the Board's purpose and functions, the Government should seek to ensure:

- a) proponents bring forward the Board's review in the procurement timeline;
- b) the Board undertakes fewer, deeper reviews of the highest risk proposals; and
- c) the Board has the facility to conduct reviews of the fundamentals of a proposal (as is undertaken under the current strategic review), including sourcing options, where appropriate.

Government Response

Reported Status

Agreed

The Board's Terms of reference (referred to in the response to Recommendation 3 above), will explicitly require that all documentation presented to the Board at least six weeks prior to the anticipated approach to market. Following initial consideration by the Board proponents will be required to bring forward their response to any recommendations provided by the Board four weeks before the anticipated approach to market.

Where the Board determines the response has not resolved the deficiencies or risks the escalation process will commence and the Territory entity will be explicitly advised not to proceed to market until the matter is resolved.

As described in Recommendation 4 a second-pass process will occur only when identified as necessary by the Board, to ensure the Board can undertake fewer but deeper reviews. This contrasts with the current process where all goods and services procurement proposals require two passes. The response to Recommendation 4 elaborates on modifications to the two-pass review process. Additionally, re-evaluation of relevant financial thresholds and a clear articulation of risk evaluation criteria will establish cases where the Board may elect to undertake a two-pass review process.

The ACT Government does not propose that the Board's facility to review the fundamentals of a procurement proposal be diminished.

Annual Report (CMTEDD)

Last Reported Status

Complete

2022-23 Annual Report:

Not reported.

2023-24 Annual Report:

On 7 February 2024, the Legislative Assembly passed the proposed amendments to the Government Procurement Act 2001 (Act) and the Government Procurement Regulation 2007 (Regulation). The amendments commence on 1 July 2024. These amendments are designed to ensure that the Board is operating with optimal efficiency and effectiveness, reducing the duplication of work by focusing on fewer, higher-risk procurements. Relevantly, Part 5 of the Regulation sets out the matters referred to the Board. Under section 14 of the Regulation, the monetary thresholds have been increased and risk considerations introduced to allow the Board to undertake fewer, deeper reviews of the highest risk proposals, at various stages in the procurement lifecycle, as appropriate. This recommendation is also supported by measures giving effect to the Government's agreement to recommendations 1, 3, 4 and 7.

Auditor-General's Observation

The ACT Government response indicated agreement with the recommendation.

CMTEDD's *Annual Report 2023-24* identified that the implementation of the recommendation was complete, following changes to the Government Procurement Board's operations and an intention to undertake fewer, but more in-depth reviews.

Recommendation 6 – Variations

The Government should consider the merits of maintaining or ceasing variation referrals to the Board in the light of wider consideration of the Board's purpose and functions. If the consideration of variations is removed from the Board review process, additional safeguards should be implemented to ensure variations are not used where there is a strong case to return to the market with a new procurement opportunity.

Government Response

Reported Status

Agreed

The Board will continue to review variation proposals that are in the proposed threshold of \$7 million or considered high risk if the following applies:

- *The proponent has consulted the advisory function in Procurement ACT through the tiered service offering and Procurement ACT has advised the proponent that the variation needs to be reviewed by the Board. In making this decision, Procurement ACT consider whether:*
 - *there is a change in scope of the procurement;*
 - *the proponent seeks to extend a contract that has no further extension options;*
 - *adequate demonstration of why a decision not to return to market for a new procurement opportunity is not provided; or*
 - *any other unmitigated risks are identified.*

Annual Report (CMTEDD)

Last Reported Status

Complete

2022-23 Annual Report:

Not reported.

2023-24 Annual Report:

On 7 February 2024, the Legislative Assembly passed the proposed amendments to the Government Procurement Act 2001 (Act) and the Government Procurement Regulation 2007 (Regulation). The amendments commence on 1 July 2024.

Relevantly, Part 5 of the Regulation sets out the matters referred to the Board.

Section 14(1)(b)(iv) of the Regulation expressly requires referral to the Board where a procurement proposes to substantially change the scope or nature of an existing procurement contract.

This recommendation is supported by measures giving effect to the Government's agreement to recommendations 1, 3, 4 and 5.

Auditor-General's Observation

The ACT Government response indicated agreement with the recommendation.

CMTEDD's *Annual Report 2023-24* identified that the implementation of the recommendation was complete, with explicit instruction on the handling of variations to existing procurement contracts.

Recommendation 7 – Strategic Procurement Plans

The Government should consider the merits of the endorsement and use of Strategic Procurement Plans in the light of wider consideration of the Board's purpose and functions. If endorsement of Strategic Procurement Plans is retained as a function in the Regulation, Procurement ACT's draft guidance should be finalised and promulgated.

Government Response

Reported Status

Agreed

Currently, where the Board has endorsed a strategic procurement plan for a procurement, there is no requirement to have the relevant procurement proposal reviewed by the Board. The initial intent of strategic procurement plans was for Territory entities to provide a holistic view of several procurements falling under one need. Over time, Territory entities have instead used this function to present a range of different unrelated procurements at one time.

For this reason, strategic procurement plans are being removed from the Board's function. Where the capability and compliance of Territory entities increases this function can be reinstated by the Minister through the issuing of Strategic Directions.

In removing strategic procurement plans from the Board's functions, consideration will be given to how human services sector commissioning plans can be presented to the Board to enable an understanding of sector needs, challenges and strategic procurement options. This will be particularly important where individual procurements may not reach the \$7 million threshold and/or a variety of procurement options may be used.

Annual Report (CMTEDD)

Last Reported Status

Complete

2022-23 Annual Report:

Not reported.

2023-24 Annual Report:

On 7 February 2024, the Legislative Assembly passed the proposed amendments to the Government Procurement Act 2001 (Act) and the Government Procurement Regulation 2007 (Regulation). The amendments commence on 1 July 2024.

In response to the recommendation, the amendments to the Regulation remove the function relating to the endorsement of strategic procurement plans.

Auditor-General's Observation

The ACT Government response indicated agreement with the recommendation.

CMTEDD's Annual Report 2023-24 identified that the implementation of the recommendation was complete, following the removal of Strategic Procurement Plans from the remit of the Government Procurement Board.

Recommendation 8 – Endorsed Procurement Practices

The Government should consider the merits of the Board's formal endorsement of procurement practices in the light of wider consideration of the Board's purpose and functions. This may involve a role for the Board in initiating, formulating and endorsing systemic procurement advice and guidance.

Government Response

Reported Status

Agreed

One of the functions of the Board is to consider, advise on and, if appropriate, endorse procurement practices and methods. To date, the Board has only exercised this function once. An Endorsed Procurement Practice (EPP) is a best practice approach to a specific procurement matter that is supported by the Board through an endorsement, which should be suitably adopted by Territory entities.

Under the proposed updates to the Procurement Framework, Endorsed Procurement Practices (EPPs) will be integral to the Board's fulfilment of its guidance and policy-shaping function. Subordinate legislation will define and compel best practice procurement behaviours. Attachment A outlines the proposed ACT Government Framework.

This requirement will be enshrined under legislation which will outline the Board's objectives, requiring the Board to make recommendations to the Minister in relation to making any endorsed Whole of Government procurement practices.

Procurement ACT will support the Board in identifying broad procurement issues that may benefit from clarification and guidance where an EPP is considered as the most suitable way to achieve this objective. Procurement ACT will seek Ministerial endorsement of this approach and, subject to agreement, the Board will be directed to consider the procurement practice for endorsement. If the Board disagrees with the proposed approach, Procurement ACT will reassess its proposed approach for future Board consideration and final Ministerial endorsement.

Territory entities or other third parties may not propose an EPP directly to the Board for its consideration but should work with Procurement ACT if they identify a need for an EPP.

Annual Report (CMTEDD)	Last Reported Status	Complete
<p><u>2022-23 Annual Report:</u> Not reported.</p> <p><u>2023-24 Annual Report:</u> <i>As per recommendation 7, the amendments to Government Procurement Act 2001 and Government Procurement Regulation 2007 require the Board to review government procurement practices and where appropriate endorse government procurement practices. The Board can also recommend that the Special Minister of State, as the responsible Minister for the purposes of the Act, give a direction about government procurement practices to Territory entities.</i></p>		
Auditor-General's Observation		
<p>The ACT Government response indicated agreement with the recommendation.</p> <p>CMTEDD's <i>Annual Report 2023-24</i> identified that the implementation of the recommendation was complete, following a review of the Government Procurement Board's function and its role in endorsing procurement practices.</p>		

Recommendation 9 – Annual Procurement Plans

<p>The Government should review the use of Annual Procurement Plans in the light of the wider consideration of the Board's purpose and functions. In doing so, consideration should be given to the limited impact they have in informing Board activities.</p>		
Government Response	Reported Status	Agreed
<p><i>Territory entities are required to complete Anticipated Procurement Activity reports (APAs – replacing Annual Procurement Plans) each year. The purpose of APAs is to assist Territory entities in planning their future procurement activities and give them the opportunity to advertise advance tender notices which provides industry with an indication of business opportunities that may be available in the future.</i></p> <p><i>To facilitate the Board's greater oversight of ACT Government procurements, APAs will be made available to the Board within 30 days of the publication of the ACT Budget each year. APAs will be further augmented by proposed Budget process rules, which will explicitly require Directorates and Agencies to indicate where a procurement is required to support a business case. This requirement will also apply to the Budget Review process, where applicable.</i></p> <p><i>APAs may be updated throughout the year. As per usual practice, variations to Directorates' and Agencies' APAs will be brought to the Board's attention by Procurement ACT to facilitate investigation of amendments to APAs.</i></p> <p><i>The Minister may through a Direction give the Board explicit power to select procurements from a Territory entity's APA that would not otherwise be presented to it through the threshold requirements. The Board can select procurements that they see as complex or sensitive in nature, or in circumstances where a variation to an APA itself represents a risk to best practice procurement activity and planning on the part of a Territory entity.</i></p>		
Annual Report (CMTEDD)	Last Reported Status	Complete
<p><u>2022-23 Annual Report:</u> Not reported.</p> <p><u>2023-24 Annual Report:</u> <i>As per recommendations 7 and 8, the amended Government Procurement Act 2001 and Government Procurement Regulation 2007 also establishes that the Board will provide strategic direction in relation to procurements, review procurements and government procurement practices, make recommendations and give direction. This includes a role for the Board to consider any anticipated procurement practices. The Board will report annually to the Special Minister of State, as the responsible Minister for the purposes of the Act, on any recommendations it makes to Territory entities in this respect.</i></p>		
Auditor-General's Observation		
<p>The ACT Government response indicated agreement with the recommendation.</p>		

CMTEDD's *Annual Report 2023-24* identified that implementation of the recommendation was complete, following a review of the Government Procurement Board's function and its role in overseeing Anticipated Procurement Activity reports.

Recommendation 10 – Escalation Post Review

In the light of wider consideration of the Board's purpose and functions, the Government should consider providing the Board with an express power to provide written advice directly to a director-general (or chief executive) following the Board's consideration of a procurement proposal.

Government Response

Reported Status

Agreed

As articulated in the ACT Government's position on Recommendation 4, a modified second-pass process will provide avenues to mitigate risks associated with procurement proposals that may not be compliant with the Procurement Act or Procurement Rules or may otherwise expose the ACT Government to inappropriate risk.

Where a procurement proposal does not initially satisfy the Board as to these requirements, or does not meet the minimum requirements, including where it presents unmitigated risk(s), the Board will return the procurement proposal to the relevant Delegate (cc Chief Executive of the Territory entity) for correction and resubmission to the Board for review.

In doing so, the Board will provide specific and explicit recommendations to the Delegate as to how the deficiency or risk may be managed and require that the Territory entity return to the Board with a procurement proposal that specifically addresses the matters raised by the Board. This advice will also unequivocally specify that the Board does not endorse the procurement in question.

As described in the response to Recommendation 4, where the Board considers a procurement a second time and the proposal is judged to remain deficient or otherwise contains unmitigated risk(s), the Board will follow an escalation process.

Annual Report (CMTEDD)

Last Reported Status

Complete

2022-23 Annual Report:

Not reported.

2023-24 Annual Report:

Consistent with recommendation 4, the amended Government Procurement Act 2001 establishes a modified second pass process that provides avenues to mitigate risks associated with procurement proposals which may not be compliant with the Act or Procurement Rules or may otherwise expose the ACT Government to inappropriate risk.

Under Part 4 of the Act, where a procurement proposal does not initially satisfy the Board as to these requirements, or does not meet the minimum requirements, including where it presents unmitigated risk(s), the Board will return the procurement proposal to the relevant Delegate and the Chief Executive of the Territory entity for correction and resubmission to the Board for review.

The new provisions provide that where the Board remains dissatisfied with the steps taken by the Chief Executive of the procuring Territory entity and is concerned that there remain unmitigated risks, the matter can be referred to the relevant Minister with portfolio responsibility for that entity. Departures from the Board's advice will also be reported to the Special Minister of State, as the responsible Minister for the purposes of the Act, annually for transparency.

Auditor-General's Observation

The ACT Government response indicated agreement with the recommendation.

CMTEDD's *Annual Report 2023-24* identified that the implementation of the recommendation was complete, following the implementation of a modified two-pass process.

Recommendation 11 – Enhancing Board Independence

In the light of wider consideration of the Board's purpose and functions, the Government should consider:

- a) revising the constitution of the Board to achieve a majority of non-public employee members; and

b) revising the constitution of the Board to ensure a non-public employee member chairs the Board.

Government Response

Reported Status

Agreed

While the Board currently comprises a diverse group of members in respect of expertise and public sector engagement, the ACT Government accepts the case for enhancing the representation of the Board to the greatest practical extent. Noting the breadth of Recommendations proposed by the Auditor-General, their strong interrelationship with an enhanced function for Procurement ACT and additional protections that the ACT Government proposes to adopt as recommended by the Auditor General, the ACT Government proposes to review the composition and chairing of the Board.

The ACT Government will appoint a non-government member as the Chair of the Government Procurement Board. The Deputy Chair will be a public employee.

We agree that the composition of the Board should have more non-public employees than public employees. It is unlikely that the current size of the Board will change. However, subject to the successful passage of forthcoming legislation, the composition of membership will change.

The focus of the appointment of future Board members will remain skills and merit based with a diversity of experience and ability to meet the Board's objectives. The Board's updated Terms of Reference to be established through subordinate legislation will elaborate on specific compositional objectives.

There will be a transition period to the new arrangements with more non-government members including the Chair. This will allow for the broader implementation of recommendations otherwise proposed by the Auditor-General to be adopted.

This compositional change will also be supported by proposed enhancements to the Board's handling of conflicts of interest in a revised and updated Terms of Reference, particularly as they relate to procurements proposed to the Board where a public Board member may have an association with a proposal before the Board (as per the response to Recommendation 12).

Procurement ACT will also ensure that the Membership selection process will be conducted in accordance with the Governance Principles, Appointments, Boards and Committees, and seek to represent a broad cross section of the community, in particular, Aboriginal and Torres Strait Islander Enterprises and Canberra region small to medium enterprises. Where, at any point in time, female representation on the Board is below 50 per cent, the selection process should take into account the need to improve gender representation.

Annual Report (CMTEDD)

Last Reported Status

Complete

2022-23 Annual Report:

Not reported.

2023-24 Annual Report:

From 1 July 2024, the Chair of the Government Procurement Board is a non-public employee member. The Deputy Chair is a public employee. This change establishes that a majority of Board members will be non-public members. The focus of the appointment of future Board members will remain skills and merit based with a diversity of experience and ability to meet the Board's objectives. The Board's updated terms of reference, to be established through subordinate legislation, will elaborate on specific compositional objectives.

Auditor-General's Observation

The ACT Government response indicated agreement with the recommendation.

CMTEDD's *Annual Report 2023-24* identified that the implementation of the recommendation was complete, with future requirements for the composition of the Government Procurement Board identified in legislation.

Recommendation 12 – Interests and Voting

In the light of wider consideration of the Board's purpose and functions, the Board should review practices with respect to:

- a) the use of formal voting and the recording of that vote; and
- b) the management of declared interests and the action taken as a result of the declaration.

Government Response

Reported Status

Agreed

The Board's terms of reference will be strengthened to require that formal voting records be summarised and explicitly recorded as part of the Board Minutes for each procurement under consideration at a Board meeting, and that as part of quarterly reporting obligations the Board will provide the Minister an update of its decisions in relation to procurements considered in that period.

The Board's updated terms of reference will explicitly require that prior to their commencement with the Board, members must sign a declaration to confirm that they:

1. have completed the probity in procurement e-learning module;
2. have completed the Overview of the ACT Government Procurement Framework e-Learning module;
3. are committed to the ACTPS code of conduct, regardless of their status as a public or non-public member. Board members will also agree throughout their tenure on the Board to:
 - a. act in good faith;
 - b. act in the best interests of the ACT Government and the people of the ACT;
 - c. avoid conflicts between the interests of the ACT Government and their own interests; and d. act honestly, exercise care and diligence to the same standards required by a Company Director.

The above declaration will be required to be reaffirmed annually thereafter at the beginning of each financial year.

Prior to commencement with the Board, and thereafter annually to coincide with a new financial year, or at any time where an interest needs to be declared, Board members must also declare in writing their interests including:

- financial and business and other interest; and
- perceived, potential or actual conflicts of interest.

Board members are also required to declare any potential conflicts of interest relating to any procurement before the Board, prior to the formulation of advice and recommendations. If a member has a declared interest for a specific procurement proposal, they will absent themselves from the meeting for the duration of the presentation and discussion of that item. If a public employee member works in the same Directorate as the procurement proposal being presented, they will also absent themselves from the meeting for the duration of the presentation and discussion of that item.

Annual Report (CMTEDD)	Last Reported Status	Complete
<p><u>2022-23 Annual Report:</u> Not reported.</p> <p><u>2023-24 Annual Report:</u> A forthcoming ministerial direction will establish the Board's new terms of reference, including arrangements and requirements for formal voting. It is anticipated that votes will be reported as part of quarterly reporting obligations to the Special Minister of State as the responsible Minister for the Act.</p> <p><u>2024-25 Annual Report:</u> A ministerial direction has established the Board's terms of reference, including arrangements and requirements for voting and the management of declared interest.</p>		

Auditor-General's Observation

The ACT Government response indicated agreement with the recommendation.

CMTEDD's *Annual Report 2023-24* identified the recommendation's implementation was in progress, with a forthcoming ministerial direction expected to identify the Government Procurement Board's new terms of reference.

CMTEDD's *Annual Report 2024-25* advised a ministerial direction established the Board's terms of reference including arrangements for voting and declared interest management, in line with the recommendation.

Recommendation 13 – Endorsement

In the light of wider consideration of the Board’s purpose and functions, the Government should clarify and affirm the express power and authority of the Board’s advice.		
Government Response	Reported Status	Agreed
<i>A regulation will affirm that Territory entities are required to implement the Board’s advice. Where this does not occur, escalation procedures will apply as per the response to Recommendation 4.</i>		
Annual Report (CMTEDD)	Last Reported Status	Complete
<p><u>2022-23 Annual Report:</u> Not reported.</p> <p><u>2023-24 Annual Report:</u> On 7 February 2024, the Legislative Assembly passed the proposed amendments to the Government Procurement Act 2001 (Act) and the Government Procurement Regulation 2007 (Regulation). The amendments commence on 1 July 2024. Part 4 of the Act establishes the purpose and function of the Board.</p> <p><i>The purpose of the Board as set out in Section 29(1) of the Act is to provide the Territory with strategic direction in relation to procurement. The functions of the Board are set out in section 29(2) of the Act and align with the purpose of the Board. Part 5 of the Regulation set out details in relation to the Board, relevantly, relating to the Board review of procurements, and Board proceedings and reporting.</i></p>		
Auditor-General’s Observation		
<p>The ACT Government response indicated agreement with the recommendation.</p> <p>CMTEDD’s <i>Annual Report 2023-24</i> identified that the implementation of the recommendation was complete, following a newly articulated purpose and function for the Government Procurement Board.</p>		

Recommendation 14 – Advice Schema

In the light of wider consideration of the Board’s purpose and functions, the Board should review and revise its advice schema.		
Government Response	Reported Status	Agreed
<i>The Board terms of reference will establish the Board’s Advice Schema. Procurement ACT will develop a template that the Board will use to issue its advice. The template will provide detail on each piece of advice individually and encompass any discussion for noting between the Board and proponents.</i>		
Annual Report (CMTEDD)	Last Reported Status	Complete
<p><u>2022-23 Annual Report:</u> Not reported.</p> <p><u>2023-24 Annual Report:</u> In April 2024, the Special Minister of State as the responsible Minister for the Government Procurement Act 2001 (Act), directed the Board in relation to its advice schema, ahead of the commencement of the amendments to the Act on 1 July 2024, which articulates key elements of the advice schema under Part 4 of the Act. Following the commencement of the Act, a forthcoming ministerial direction will establish the Board’s new terms of reference.</p> <p><i>Procurement ACT has developed a template that the Board will use to issue its advice. The template will provide detail on each piece of advice individually and encompass any discussion for noting between the Board and proponents.</i></p> <p><i>This advice schema is consistent with the authority of the Board, as established under the amended Government Procurement Act 2001.</i></p>		

Auditor-General's Observation

The ACT Government response indicated agreement with the recommendation.

CMTEDD's *Annual Report 2023-24* identified that the implementation of the recommendation was complete, following the development of a new template for the issuing of Government Procurement Board advice.

Recommendation 15 – Board Follow Up

In the light of wider consideration of the Board's purpose and functions, the Board should develop a risk-based practice for the review of proponents' consideration and acquittal of Board advice.

Government Response	Reported Status	Agreed
<i>As per the response to Recommendation 4, procedures will be enacted to ensure that the Board's advice is implemented by proponents, and where procurement actions depart from the Board's advice that appropriate justification is provided.</i>		
Annual Report (CMTEDD)	Last Reported Status	Complete
<p><u>2022-23 Annual Report:</u> Not reported.</p> <p><u>2023-24 Annual Report:</u> <i>Consistent with recommendation 4 of the Government Procurement Act 2001 (Act), where a procurement proposal does not initially satisfy the Board as to these requirements, or does not meet the minimum requirements, including where it presents unmitigated risk(s), the Board will return the procurement proposal to the relevant Delegate and the Chief Executive of the Territory entity for correction and resubmission to the Board for review.</i></p> <p><i>The new provisions provide that where the Board remains dissatisfied with the steps taken by the Chief Executive of the procuring Territory entity and is concerned that there remain unmitigated risks, the matter can be referred to the relevant Minister with portfolio responsibility for that entity. Departures from the Board's advice will also be reported to the Special Minister of State, as the responsible Minister for the purposes of the Act, annually for transparency.</i></p>		

Auditor-General's Observation

The ACT Government response indicated agreement with the recommendation.

CMTEDD's *Annual Report 2023-24* identified that the implementation of the recommendation was complete, following the development of new practices for the recognition and acquittal of Government Procurement Board advice.

Recommendation 16 – Risk-based Referrals

In the light of wider consideration of the Board's purpose and functions, the Government should:

- a) develop a range of automatic and discretionary triggers that can be activated by the Board, such that the Board receives and reviews fewer procurement proposals, but which are higher risk; and
- b) consider including a Board 'call-in' process, which can be informed by the Board's early oversight of procurement activity being supported by Major Projects Canberra and Procurement ACT.

Government Response	Reported Status	Agreed
<i>Recommendation 1 outlines the value and risk-based approach to referrals to the Board. In addition, triggers have been identified that would also result in referral to the Board, including on recommendation from Procurement ACT or Major Projects Canberra.</i>		

As discussed in the response to Recommendation 9, the Board will have access to Territory Entity APAs. This will inform the Board's early oversight in procurement proposal and will also give it the ability to seek an assessment of any procurements that would not otherwise be reviewed by the Board by referral.

Annual Report (CMTEDD)

Last Reported Status

Complete

2022-23 Annual Report:

Not reported.

2023-24 Annual Report:

On 7 February 2024, the Legislative Assembly passed the proposed amendments to the Government Procurement Act 2001 (Act) and the Government Procurement Regulation 2007 (Regulation). The amendments commence on 1 July 2024.

Under section 14 of the Regulation, risk considerations have been introduced to establish a range of automatic and discretionary triggers for referral of matters. Under Part 4 of the Act, where a procurement proposal does not initially satisfy the Board as to these requirements, or does not meet the minimum requirements, including where it presents unmitigated risk(s), the Board will return the procurement proposal to the relevant Delegate and the Chief Executive of the Territory entity for correction and resubmission to the Board for review.

The new provisions provide that where the Board remains dissatisfied with the steps taken by the Chief Executive of the procuring Territory entity and is concerned that there remain unmitigated risks, the matter can be referred to the relevant Minister with portfolio responsibility for that entity. Departures from the Board's advice will also be reported to the Special Minister of State, as the responsible Minister for the purposes of the Act, annually for transparency.

Auditor-General's Observation

The ACT Government response indicated agreement with the recommendation.

CMTEDD's *Annual Report 2023-24* identified that the implementation of the recommendation was complete, following the implementation of new processes and practices for the Government Procurement Board outlined previously.

Auditor-General Report No.6 of 2023

Implementation of the ACT Aboriginal and Torres Strait Islander Agreement¹¹

(10 August 2023)

Auditees

The auditees for this audit were the:

- Community Services Directorate;
- ACT Health Directorate;
- Environment, Planning and Sustainable Development Directorate;
- ACT Public Service Strategic Board;
- Chief Minister, Treasury and Economic Development Directorate; and
- Office of Aboriginal and Torres Strait Islander Affairs.

Audit Objective

The objective of the audit was to assess the effectiveness of ACT Government agencies' implementation of the Aboriginal and Torres Strait Islander Agreement 2019-2028.

Summary

On 26 February 2019, the ACT Aboriginal and Torres Strait Islander Agreement 2019-2028 (the 2019 Agreement) was signed. The 2019 Agreement was signed by the chair of the Aboriginal and Torres Strait Islander Elected Body, the Chief Minister, the Minister of Aboriginal and Torres Strait Islander Affairs and the Head of Service. It followed the earlier ACT Aboriginal and Torres Strait Islander Agreement 2015-2018 (the 2015 Agreement).

The 2019 Agreement seeks to hold the ACT Government accountable to ACT Aboriginal and Torres Strait Islander communities through the Aboriginal and Torres Strait Islander Elected Body. The Agreement sets the long-term direction for Aboriginal and Torres Strait Islander affairs in the ACT and obliges the signatories to work together to enable equitable outcomes for Aboriginal and Torres Strait Islander people.

This performance audit examines the effectiveness of ACT Government directorates' implementation of the 2019 Agreement. It considers the governance arrangements and monitoring and reporting activities associated with the implementation of the 2019 Agreement across directorates.

Government response

Ms Rachel Stephen-Smith MLA, Minister for Aboriginal and Torres Strait Islander Affairs, tabled the ACT Government's response to the Performance Audit Report on 30 November 2023.¹²

¹¹ [Report No. 6 of 2023 – Implementation of the Aboriginal and Torres Strait Islander Agreement](#)

¹² [PAC – AG Report 6 of 2023 - Government Response Tabled 30 November 2023](#)

Recommendation 1 – Governance Committees

The Community Services Directorate, through its responsibility as chair of the governance committees that oversight the implementation of the 2019 Agreement (the Strategic Board subcommittee and the Inter-Directorate committee) should:

- a) update the Inter-Directorate Committee’s terms of reference to recognise the Aboriginal and Torres Strait Islander Elected Body’s co-chair responsibility for the committee;
- b) ensure action items raised in governance committee meetings are tracked to their conclusion in meeting minutes; and
- c) c) establish a process for the Aboriginal and Torres Strait Islander Elected Body to assess the effectiveness of the governance committees and report this to the ACT Public Service Strategic Board and ACT Government as signatories to the 2019 Agreement.

Government Response	Reported Status	Agreed
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The Inter-directorate Committee (IDC) Terms of Reference (ToR) have been revised to:

- *formally reflect the co-chairing arrangements with the Deputy Director General (CSD) and the Chair (or the Deputy Chair) of the Elected Body.*
- *Specify membership at Deputy Director General or Executive Group Manager.*
- *Each Directorate has two members of the IDC, one of which must be at the level of Executive Branch Manager or above.*
- *ToR now limit the presence of proxies to a maximum of two meeting per calendar year and requires proxy members to have delegation at an appropriate decision-making level.*

Actions arising from each meeting are reviewed in subsequent meetings, and the Secretariat may follow up outstanding actions as necessary.

As the primary forum for directorates and the Elected Body to oversee implementation of the ACT Agreement, any issues regarding the effectiveness of governance committees or other arrangements can be raised either by the Elected Body or directorates through regular meetings the IDC.

A standing item has also been included on the Strategic Board Committee for the Elected Body Chair and Deputy Chair to provide feedback on government performance and any other issues arising through the implementation of the Agreement. This includes reporting to SBC on individual Elected Body portfolio meetings with directorates.

There are also a range of other formal and informal mechanisms through which the Elected Body are able to report views on the effectiveness of governance arrangements, including through hearings and reporting under the Aboriginal and Torres Strait Islander Elected Body Act 2008 (ATSIEB Act), and regular meetings between Elected Body representatives and directorates.

Annual Report (CSD)	Last Reported Status	Not reported
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Not reported.

Auditor-General’s Observation

The ACT Government response indicated agreement with this recommendation and identified that the Inter-Directorate Committee’s terms of reference had been revised accordingly.

There is a lack of visibility with respect to how other aspects of the recommendation have been implemented, including processes for the Elected Body to report to the ACT Public Service Strategic Board and ACT Government as signatories to the 2019 Agreement.

Recommendation 2 – Oversight of Directorate Progress Against the 2019 Agreement

The ACT Health Directorate, Community Services Directorate and Environment, Planning and Sustainable Development Directorate should:

- a) review the authority and operation of their senior governance committees to ensure they have a clear responsibility to oversight and lead the implementation of their obligations under the 2019 Agreement; and
- b) implement more robust processes for tracking progress in implementing commitments under the 2019 Agreement. This could involve using a commitments register that facilitates the regular review of progress with senior executives and governance committees and regular meetings with Aboriginal and Torres Strait Islander Elected Body representatives.

Government Response	Reported Status	Agreed
<p><i>Further consideration will be given to improving the coordination of Aboriginal and Torres Strait Islander policy and program responses through established governance structures, and an environment that supports effective coordination of overarching cross-government policies and approaches. This will flow into reporting and oversight of directorate progress against the 2019 Agreement.</i></p> <p><i>It will respond to findings in the report which noted that there are gaps in directorate accountabilities to implement priority actions which increases the risk of actions not being implemented in a joined-up way across ACT Government agencies, or that parts of the Agreement were not implemented at all.</i></p> <p><i>This will also assist directorates apply consistent approaches to self-determination, noting that the report identified that while most directorates were able to show they consulted with and took the views of Aboriginal and Torres Strait Islander communities, they were not yet able to demonstrate their ability to support self-determination.</i></p> <p><u>ACT Health Directorate (ACTHD)</u></p> <p><i>The ACT Health Directorate has established a monthly reporting system from June 2022 with information on implementation communicated to the Director General, Elected Body representative and the Directorate’s Ministerial and Governance team. An Agreement Coordination Group has been re-established.</i></p> <p><i>These systems supporting accountability and implementation have been developed through internal review, and consultation with the Elected Body and through collaboration with other ACT Government Directorates.</i></p> <p><i>Systems now implemented include:</i></p> <ul style="list-style-type: none"> <i>all Agreement actions for ACTHD have been entered into an automated monthly reporting system (Commitments Register). This includes explicit executive line accountability for all actions.</i> <i>the monthly reporting is rolled up into monthly meetings with the Elected Body representatives, and more formally into quarterly reporting to the Elected Body representatives.</i> <i>a new tool has been developed through consultation with the Elected Body representatives and other Directorates to facilitate transparent and useful quarterly reporting with a focus on outcomes and impact.</i> <i>quarterly reporting will be rolled up into 6 and 12 monthly reporting Against the Agreement and Closing the Gap</i> <i>terms of Reference for the ACTHD Agreement Coordination Group have been updated, and membership is under review to ensure senior executive strategic direction and leadership.</i> <p><u>Community Services Directorate (CSD)</u></p> <p><i>The Community Services Directorate has a Commitments Register which is a collaborative space for all CSD business areas to coordinate tracking and reporting of all CSD priorities to support timely delivery. The Commitments Register currently tracks progress of CSD budget initiatives, accountability indicators, ministerial and Parliamentary and Government Agreement (PaGA) commitments.</i></p> <p><i>CSD Executives are responsible for keeping their commitments up to date. CSD Corporate uses the Commitments Register to provide status reports to the Strategic Board of Management, capturing implementation status through a traffic light system.</i></p> <p><i>The Commitments Register will be updated to include a separate tab for all actions under the CSD Directorate Implementation Plan which include ACT Agreement Focus Area Action Plans for which CSD is responsible for leading.</i></p> <p><u>Environment, Planning and Sustainable Development Directorate (EPSDD)</u></p> <p><i>Monitoring progress against the ACT Aboriginal and Torres Strait Islander Agreement 2019-2028 has been embedded as a standing agenda item for the EPSDD’s Executive Management Board. Reporting tools to assist this mechanism of oversight are being refined.</i></p>		
<p>Annual Report (CSD, ACTHD and EPSDD)</p>	<p>Last Reported Status</p>	<p>CSD - Not reported ACTHD - Complete EPSDD - Complete</p>
<p><u>2022-23 Annual Report:</u></p> <p>Not reported.</p> <p><u>2023-24 Annual Report:</u></p>		

Community Services Directorate

Not reported.

ACT Health Directorate

Over the last 18 months, the Directorate has been rebuilding understanding of its responsibilities under both the National Agreement on Closing the Gap (National Agreement) and the ACT Agreement, with a stronger commitment to implementing their subsequent targets, action items and priority reforms.

Led by the Director-General, all Directorate executives have embarked on a cultural journey and are continually integrating new practices and processes into the Directorate.

The Directorate aims to have a new Cultural Integrity Plan developed and endorsed by December 2024, which will incorporate whole-of-government Addressing Systemic Racism and Cultural Integrity Framework elements.

We have introduced National Agreement and ACT Agreement actions into our Business Plan and Professional Development Plan templates, and recruitment practices. We are developing an Aboriginal and Torres Strait Islander Employment Action Plan to achieve greater representation of Aboriginal and Torres Strait Islander peoples in the Directorate workforce.

To support all Directorate staff, Health Partnerships have developed:

- *the Closing the Gap and ACT Agreement Roadshow (Roadshow)*
- *an Officials Guide to Aboriginal and Torres Strait Islander Health (Guide)*
- *the Health Partnerships Team Operating Model (Operating Model).*

The Roadshow is a series of workshops designed to educate and reinforce all Directorate staff on our commitments under the National Agreement and the ACT Agreement.

The Roadshow provides open discussion, including activities on how to ensure all Directorate work is aligned to the:

- *National Agreement's 4 priority reforms and targets*
- *ACT Agreement's focus areas, action items and targets.*

Deep dives and Closing the Gap connections developed by teams, branches and divisions also form part of a Directorate-wide audit of current and future work aligned to the National Agreement and the ACT Agreement. This audit is providing explicit lines of sight to executive responsibilities and accountabilities, and will form the evidence base for the Directorate's ACT Agreement Phase 3 Directorate Implementation Plan.

The Guide and Operating Model are complementary to the Roadshow, providing staff with an in-depth overview of Aboriginal and Torres Strait Islander peoples' health and other relevant information, such as:

- *a history of Aboriginal health*
- *an overview of Health Partnerships*
- *a detailed analysis of the National Agreement and the ACT Agreement*
- *Elected Body history and functions*
- *our critical partnerships*
- *Health Partnerships main projects.*

In addition, Directorate executives have committed to and conducted group and individual training sessions on Closing the Gap, including alignment of their divisions' work, where appropriate and required.

The Directorate continues with tracking monthly updates against the Commitments Register, which is carried out by each division executive responsible for their division or branch commitments.

Following internal review of this mechanism, an improved tool is under development to centralise and systemise all Aboriginal and Torres Strait Islander peoples reporting and accountability across the Directorate.

The Director-General and Executive team continue to meet with our ACT Elected Body representative each month and will be carrying these meetings over to the new appointed Elected Body.

The Directorate has developed a new template for the 2023–24 annual reporting, including all requirements under the National Agreement, the ACT Agreement, and Our Booris, Our Way Review into the Annual Report.

Environment, Planning, and Sustainable Development Directorate

Monitoring progress against the ACT Aboriginal and Torres Strait Islander Agreement 2019–28 (ACT Agreement) has been identified as a standing agenda item for EPSDD's Executive Management Board. In addition, the Directorate has commenced a policy refresh for its internal governance arrangements, including the roles and responsibilities of its Executive Management Board and Executive Steering Committee. As part of this refresh, terms of reference documentation will be revised to reflect accountability for implementation of the Directorate's obligations under the ACT Agreement. It is expected this work will be completed in the first quarter of the 2024–25 financial year.

The Community Services Directorate (CSD) coordinates reporting on implementation of commitments under the ACT Agreement. EPSDD provided progress updates on the Directorate's implementation plan to CSD during 2023–24 as required. Progress updates are also included in Section B9 Aboriginal and Torres Strait Islander Reporting.

2024-25 Annual Report

Community Services Directorate

Not reported.

ACT Health Directorate

In 2024–25, the ACT Agreement and Closing the Gap Roadshow was developed and delivered across the Directorate. This provided a baseline understanding of these critical frameworks and enabled business areas to deep dive into how their functions and work does and can support outcomes for Community. Information gathered from this process is informing development of The Directorate's Phase Three implementation plan for the ACT Agreement and Closing the Gap, as well as divisional business planning. As a result, senior governance committees have clearer oversight and accountability of implementation. As listed in the 2023–24 ACT Health Directorate Annual Report, the Directorate implemented an improved approach to reporting with a focus on accountability and transparency to Community. This included providing increased information on the ACT Aboriginal and Torres Strait Islander Agreement 2019–28, actions against Our Booris, Our Way Review recommendations, the National Agreement Priority Reforms and the ACT Closing the Gap Jurisdictional Implementation Plan actions. Continuous improvement of our annual report is embedded in business-as-usual activities. We have introduced national and ACT agreement actions into our business plan and professional development plan templates.

Environment, Planning and Sustainable Development Directorate

The implementation of the ACT Aboriginal and Torres Strait Islander Agreement (ACT Agreement) was consistently overseen as a standing agenda item at Executive Management Board meetings.

The Directorate tracks progress on its commitments through an internal commitments register, which is updated quarterly. These updates are provided to the Community Services Directorate, which coordinates whole of government reporting. This process ensures that implementation progress is monitored regularly and systematically.

The Directorate also documents progress in its annual report under Section B9: Aboriginal and Torres Strait Islander Reporting, providing public transparency and accountability.

Auditor-General's Observation

The ACT Government response indicated agreement with this recommendation, and each of the directorates identified changes to governance practices that were expected to address the recommendation.

There is a lack of visibility with respect to how this recommendation has been implemented by CSD. While the ACT Government response indicated CSD already had a Commitments Register, there has been no reporting in the Directorate's annual reports on the intention to improve the use and functionality of the Commitments Register.

The ACTHD and EPSDD *Annual Report 2023-24* identified actions to strengthen reporting governance arrangements.

The ACTHD and EPSDD *Annual Report 2024-25* identified that implementation of the recommendation was complete and in doing so outlined measures to increase governance arrangements and tracking capabilities as outlined in the recommendation.

Recommendation 3 – Accountability and Transparency for Directorate Implementation Plans

The ACT Public Service Strategic Board should:

- a) publish all directorate implementation plans on the 2019 Agreement website; and
- b) implement a process to provide assurance to the signatories to the 2019 Agreement that the directorate implementation plans have allocated all responsibilities under the Phase Two focus area action plans.

Government Response

Reported Status

Agreed

All Directorate Implementation Plans will be published on the OATSIA website (2019 Agreement page) along with the Focus Area Action Plans, noting that any commercial in confidence or other sensitive information will be redacted.

Through the development of the Directorate Implementation Plans all Directorates ensured that their Phase 2 Directorate Implementation Plans aligned with the Phase 2 Focus Area Action Plans.

In September 2023 the Aboriginal and Torres Strait Islander Strategic Board Committee agreed several measures to strengthen governance arrangements for monitoring progress on implementation of the ACT Agreement. This includes:

- establishing an Inter-Directorate Committee working group to reestablish six monthly reporting to the Strategic Board Committee on actions under Phase 2 of the ACT Agreement. The working group will propose timeframes for submission of six-monthly reports to the SBC to consider how this reporting can inform an annual statement of progress against both the ACT and National Agreements.
- Identifying Lead Facilitator Directorates responsible for:
 - coordinating updates on progress against their respective Focus Area Action Plan; and
 - convening discussions across the ACT Government (Lead Directorates) as appropriate to support reporting; and providing quality assurance to ensure a consistent whole of government approach to reporting, and alignment with Directorate Implementation Plans.

Annual Report (CSD, CMTEDD)	Last Reported Status	Not reported
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Not reported.

Auditor-General's Observation

The ACT Government response indicated agreement with the recommendation and an intention publish directorate implementation plans on the 2019 Agreement website. The response also identified an intention to 'to strengthen governance arrangements for monitoring progress on implementation of the ACT Agreement' through the implementation of additional practices.

Neither CSD or CMTEDD have reported on the implementation of the recommendation, including the proposed strengthened governance arrangements. There is a lack of visibility with respect to whether and how this recommendation has been implemented.

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.

Government Response	Reported Status	Agreed in principle
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The ACT Government recognises the pivotal role of the Elected Body as key partners to the ACT Agreement.

The ACT Governments supports Elected Body members in this role through the provision of Secretariat services. Secretariat services were previously provided through OATSIA.

In 2022 CSD worked with the Elected Body to engage an independent Aboriginal and Torres Strait Islander owned consultancy to provide secretariat support, furthering the Elected Body's independence from the ACT Government and supporting self-determination. The support provided to members includes:

- *Providing comprehensive secretariat support to the Elected Body across governance, administration, engagement, and policy.*
- *Organising papers, agendas, and minutes for Elected Body meetings.*
- *Organising and scheduling meetings between Elected Body and ACT Government and community organisations.*
- *Ensuring all requirements against the ATSIEB Act are met.*
- *Enabling liaison with policy professionals relevant to key policy discussions for the Elected Body.*
- *Supporting the Elected Body hold public hearings into government service provision in accordance with Section 10A of the ATSIEB Act.*

Resourcing and the enabling legislation for the Elected Body needs to be considered in the context of the outcomes of the recent Voice to Parliament referendum, and ATSIEB's ability to undertake the functions of an independent 10 mechanism in accordance with Clause 67 of the National Agreement on Closing the Gap.

This recognises that the functions of an independent mechanism are to:

- Support mainstream agencies and institutions embed transformation elements and monitor their progress.
- Be recognisable for Aboriginal and Torres Strait Islander people and be culturally safe.
- Engage with Aboriginal and Torres Strait Islander people to listen and respond to concerns about mainstream institutions and agencies.
- Report publicly on the transformation of mainstream agencies and institutions, including progress, barriers and solutions.

While the Elected Body has authority to undertake many of these functions, the ACT Government is committed to working with the Aboriginal and Torres Strait Islander community on the configuration, authority and resourcing of the model to ensure the independence of advocacy, advice and accountability in line with Government commitments.

The ACT Electoral Commission is responsible for the successful delivery of the Elected Body elections. Under the ACT Electoral Commission corporate plan one of their responsibilities is to 'Engage the community and stakeholders to promote electoral awareness, participation and compliance' (Strategic Priority 2). This includes delivering information and awareness campaigns to promote public participation in elections.

In 2021 the ACT Electoral Commission conducted a widespread information campaign which included:

- 'A wide range of media releases, social media posts on Facebook and Twitter and through the Canberra Times, radio and newspaper advertising, including a radio interview.
- Promotion at public events including the Boomanulla Raiders Game, Reconciliation Day event, and big screen advertising and announcements at the Canberra Raiders home game.
- Promotion on Access Canberra silver screens and Canberra Convention Centre display banner.
- A range of printed publications (fact sheets, posters, digital postcards).

For a full list of awareness raising activities refer to the ACT ATSIEB 2021 Election Report at www.elections.act.gov.au

Annual Report (CMTEDD and CSD)	Last Reported Status	Not reported
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Not reported.

Auditor-General's Observation

The ACT Government response indicated agreement in principle with this recommendation. In doing so, however, there is a lack of visibility with respect to the recommendation that 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'.

CSD and CMTEDD have not reported on this recommendation, resulting in decreased visibility of its implementation.

There is a lack of clarity with respect to actions taken with respect to the ACT Government's commitment to '[work] with the Aboriginal and Torres Strait Islander community on the configuration, authority and resourcing of the model to ensure the independence of advocacy, advice and accountability in line with Government commitments'.

Recommendation 5 – Impact Statement Targets

The Community Services Directorate should, through the auspices of the Aboriginal and Torres Strait Islander Affairs Inter-Directorate Committee:

- finalise outstanding performance measures for the Outcomes Framework; and
- develop targets for all performance measures identified in the Outcomes Framework.

Government Response	Reported Status	Agreed
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The ACT Agreement Outcomes Framework is used to track progress against targets in the ACT Aboriginal and Torres Strait Islander Agreement and the National Agreement on Closing the Gap. The Outcomes Framework is based on the 10 Focus Areas from the ACT Agreement and incorporates four Priority Reform Targets and 18 socio-economic targets from the National Agreement.

One national target relating to sea rights has been omitted and is anticipated to be replaced by an inland water target currently being developed by the Partnership Working Group on Closing the Gap (Targets Working Group).

A small number of national targets relating to early childhood education; youth education, training and employment; adult employment; housing; and adults held in incarceration have been increased to maintain current parity or to achieve parity by 2031.

The ACT Government is working closely with parties to the National Agreement on Closing the Gap, including the Elected Body, to develop a nationally consistent approach to identifying performance measures for those Targets where data is currently unavailable.

Annual Report (CSD)	Last Reported Status	Not reported
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Not reported.

Auditor-General's Observation

The ACT Government response indicated agreement with the recommendation, but in doing so did not identify whether the issues identified in the report with respect to the lack of targets for performance measures in the Outcomes Framework would be addressed.

There is a lack of visibility with respect to how this recommendation has been implemented. There has been no reporting in CSD's annual reports. It is unclear what action has taken place with respect to the Outcomes Framework and its associated performance measures.

Recommendation 6 – Whole-of-Government Reporting

The Community Services Directorate should, through the auspices of the Aboriginal and Torres Strait Islander Affairs Inter-Directorate Committee, work with directorates to establish a whole-of-government, publicly reported annual performance statement on progress to implement the 2019 Agreement.

Government Response	Reported Status	Agreed
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The ACT Government is committed to presenting an annual statement of performance under both the ACT Agreement and the National Agreement on Closing the Gap (National Agreement) to monitor implementation and measure impact.

The ACT and National Agreements are closely aligned. For example, the four Core Focus Areas under the ACT Agreement are closely aligned with Priority Reforms of the National Agreement and outcomes and performance targets under Focus Areas are shared between the two agreements. In line with this, annual reporting has been streamlined in past years to produce a sole annual performance report against both Agreements.

The Government is committed to ensuring that annual performance reporting is structured, clear, faithful and unbiased. Acknowledging the findings of the Audit Report, in 2023 the Government developed an Impact Statement that provides greater clarity on the alignment of both Agreements and figures that facilitate the assessment of indicators under Focus Areas outcomes.

Going forward, the annual performance reporting will include information on the progress in implementing the priority actions under each Focus Areas.

Annual Report (CSD)	Last Reported Status	Not reported
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Not reported.

Auditor-General's Observation

The ACT Government response indicated agreement with the recommendation, along with a commitment to '[ensure] that annual performance reporting is structured, clear, faithful and unbiased' and that this would be facilitated through 'an Impact Statement that provides greater clarity on the alignment of both Agreements and figures that facilitate the assessment of indicators under Focus Areas outcomes'.

There is a lack of visibility with respect to how this recommendation has been implemented. There has been no reporting in CSD's annual reports.

Recommendation 7 – Annual Report Directions

The Chief Minister, Treasury and Economic Development Directorate should review and update the annual report directions to explicitly require ACT Government directorates and agencies to report their progress in implementing the 2019 Agreement faithfully and without bias.		
Government Response	Reported Status	Agreed
<p><i>The ACT Government agrees there should be timely, transparent and consistent reporting on progress by all directorates to implement actions and commitments under the ACT Agreement.</i></p> <p><i>Work is currently being undertaken across directorates to streamline reporting.</i></p> <p><i>The Government commits to ensuring there are clear and explicit directions for how directorates and agencies report on progress against implementing the 2019 Agreement faithfully and without bias, and will work with the Elected Body, through the IDC, to ensure that these arrangements are both efficient for directorates and done in a way that is most useful and accessible for community.</i></p> <p><i>CMTEDD will review the Annual Report Directions as they relate to other Aboriginal and Torres Strait Islander reporting requirements, to confirm whether any further clarity is required.</i></p>		
Annual Report (CMTEDD)	Last Reported Status	Complete
<p><u>2022-23 Annual Report:</u> Not reported.</p> <p><u>2023-24 Annual Report:</u> CMTEDD updated the 2023-24 Annual Report Directions to include the requirement that reporting entities must report annual progress under the ACT Aboriginal and Torres Strait Islander Agreement 2019–2028 (ACT Agreement) and the National Agreement on Closing the Gap (National Agreement).</p>		
Auditor-General's Observation		
<p>The ACT Government response indicated agreement with this recommendation with an intention 'review the Annual Report Directions as they relate to other Aboriginal and Torres Strait Islander reporting requirements, to confirm whether any further clarity is required'.</p> <p>CSD's <i>Annual Report 2023-24</i> indicates that the implementation of the recommendation is complete following a review of the Annual Report Directions and a 'requirement that reporting entities must report annual progress under the ACT Aboriginal and Torres Strait Islander Agreement 2019–2028 (ACT Agreement) and the National Agreement on Closing the Gap (National Agreement)'.</p>		

Recommendation 8 – Annual Report Template

<p>In conjunction with Recommendation 7, the Office of Aboriginal and Torres Strait Islander Affairs should develop an annual reporting template for directorates to complete and include in their annual report. The template should require:</p> <ul style="list-style-type: none"> a) reporting on the status of all priority actions identified in the directorate's action plan; b) the activities completed to progress each priority action; and c) the planned activities to progress incomplete priority actions. 		
Annual Report (CSD)	Reported Status	Agreed
<p><i>Per the responses to Recommendations 6 and 7, the ACT Government will work with the Elected Body, through the IDC, to ensure there is consistent and transparent annual reporting on progress to deliver actions under the ACT Agreement.</i></p>		
Annual Report (CSD)	Last Reported Status	Not reported
Not reported.		

Auditor-General's Observation

The ACT Government response indicated agreement with this recommendation and an intention to 'work with the Elected Body, through the IDC, to ensure there is consistent and transparent annual reporting on progress to deliver actions under the ACT Agreement'. The response implied that actions taken in relation to Recommendations 6 and 7 would address this recommendation.

There is a lack of visibility with respect to how this recommendation has been implemented. There has been no reporting in CSD's annual reports.

Auditor-General Report No.8 of 2023

Supports for Students with Disability in ACT Public Schools¹³

(23 October 2023)

Auditee

The auditee for this audit was the Education Directorate.

Audit Objective

The objective of the audit was to assess whether the Education Directorate is effective in providing supports for students with disability in ACT public schools.

Summary

Students with disability in Australia have the right to access education on the same basis as their peers. Schools must provide supports that ensure this equity of access.

The audit considered the effectiveness of the ACT Education Directorate's practices for providing supports for students with disability in ACT public schools. The audit considered practices for:

- the provision of clear and accessible information about available schools, educational settings and adjustments;
- understanding the functional needs students with disability have in accessing their education;
- planning to provide adjustments to ensure students with disability can access education on the same basis as their peers; and
- funding physical accessibility modifications in schools and providing professional learning pathways for Learning Support Assistants.

Government response

Ms Yvette Berry MLA, Minister for Education and Youth Affairs, tabled the ACT Government's response to the Performance Audit Report on 22 February 2024 and a follow up Ministerial Statement on 20 March 2024.¹⁴

¹³ [Report No. 8 of 2023 – Supports for Students with Disability in ACT Public Schools](#)

¹⁴ [PAC – AG Report 8 of 2023 – Government Response Tabled 20 March 2024](#) and [Ministerial Statement](#)

Recommendation 1 – Clear and Accessible Information

<p>The Education Directorate should systematically review and improve communication material for students with disability and their families, including:</p> <ul style="list-style-type: none"> a) the Education Directorate’s website; b) individual school websites; and c) other written communication material provided to students and families. 		
Government Response	Reported Status	Agreed
<p><i>Content on the Directorate’s web site has recently been rewritten to improve information for students with disability and their families and to reflect the release of the Inclusive Education: A Disability Inclusion Strategy for ACT Public Schools (2024-2034) (the Strategy).</i></p> <p><i>The Education Directorate will also engage in an ACT Government-wide program to consolidate and improve accessibility of website content, which will uplift the quality of information available to all Canberrans.</i></p> <p><i>Other written communication material for students and families, including consistent content for use on individual school web sites, will be considered in 2024.</i></p>		
Annual Report (ED)	Last Reported Status	In progress
<p><u>2023-24 Annual Report:</u></p> <p><i>Website content for all ACT Public School websites has been finalised that clearly outlines the inclusion supports and provides a link to the Inclusive Education Strategy that students and families can assess across the public school system. This information will be publicly available on all ACT Public School websites in the second half of 2024.</i></p> <p><i>Communications material is under development (video, news stories, newsletter articles) to further explain the Education Directorate’s inclusive Education Strategy and first Action Plan, and how supports are provided in practice across schools for students. The Education Directorate will soon start work with CMTEDD on a full website review to ensure content is accessible, easy to read and understand for families, and complies with ACT Government accessibility standards.</i></p> <p><u>2024-25 Annual Report:</u></p> <p><i>The Directorate website has been transitioned to a new whole-of-government site. The new act.gov.au website incorporates improved information for students with disability and their families: https://www.act.gov.au/education-and-training/life-at-school-and-college/students-with-disability.</i></p> <p><i>The Directorate has started to deploy consistent information about inclusive education across all ACT public school websites. This will ensure clear and current advice is provided to community, regardless of which school they are engaging with, while allowing schools to add specific information about their offering as required.</i></p>		
Auditor-General’s Observation		
<p>The ACT Government response indicated agreement with the recommendation, and an intention to improve the consistency and accessibility of communication material.</p> <p>ED’s <i>Annual Report 2023-24</i> identified the recommendation’s implementation was in progress. It noted that communication content had been updated and that the development of communication material continued.</p> <p>ED’s <i>Annual Report 2024-25</i> identified that the Directorate had developed improved communication material via a new centralised website and had commenced distributing consistent information across individual school websites. The response remains in progress.</p>		

Recommendation 2 – ACT Student Disability Criteria and Disability Education Program Application

<p>The Education Directorate should amend its processes associated with the application of the <i>Disability Education Program Application</i> and <i>ACT Student Disability Criteria</i> to ensure alternative criteria can be applied for students who have immediate support needs in their school context but do not have formal medical diagnoses. The amended processes should ensure these students are not disadvantaged in access to resourcing or timely implementation of reasonable adjustments.</p>		
Government Response	Reported Status	Agreed in principle

The Strategy's First Action Plan 2024-2026 commits to developing a new needs-based funding model for students with disability. The current Disability Education Program Application and ACT Student Disability Criteria will no longer be required under the new needs-based funding model.

Annual Report (ED)

Last Reported Status

In progress

2023-24 Annual Report:

Work is underway to phase out the current DEPA/SCAN processes in the lead up to the implementation of a new adjustments-based funding model. Students are entitled to receive any reasonable adjustments regardless of whether they have a diagnosis in place and/or are in a formal disability program. About 20% of students receive adjustments, while about 6% of students are in formal disability programs.

2024-25 Annual Report:

Work is continuing to implement the new adjustments-based resourcing model from 2026. The Disability Education Program Application process is being phased out during 2025. Students are entitled to receive any reasonable adjustments regardless of whether they have a diagnosis in place and/or are in a formal disability program. About 20% of students receive adjustments, while about 6% of students are in formal disability programs.

Auditor-General's Observation

The ACT Government response indicated agreement-in-principle with the recommendation, and that 'a new needs-based funding model for students with disability' is intended to be developed.

ED's Annual Report 2023-24 identified the recommendation's implementation was in progress, noting 'work is underway to phase out the current DEPA/SCAN processes' in anticipation of the new model.

ED's Annual Report 2024-25 identified the Directorate was phasing out the Disability Education Program Application through 2025 but that students may receive reasonable adjustments without a diagnosis. The response remains in progress.

Recommendation 3 – The Role of School Psychologists

The Education Directorate should identify and evaluate alternative case coordination and social work models currently being trialled in ACT public schools and determine if they are effective in:

- a) reducing routine, administrative, coordination and liaison work for school psychologists and school leaders;
- b) supporting families to access medical diagnosis and the NDIS; and
- c) supporting implementation of reasonable adjustments for students with disability.

Government Response

Reported Status

Agreed in principle

The Education Directorate continues to explore and evaluate models of service delivery. This includes the work undertaken by school psychologists and allied health, including social workers. The design and trial delivery of a new service model for social workers and youth workers is under way.

The Strategy's First Action Plan 2024-2026 commits to review and redesign the allied health model to ensure it meets the needs of students with disability. This work will examine the scope of practice for all allied health professionals within the Education Directorate and how this will align with broader objectives within the Directorate, including supporting students with disability.

Annual Report (ED)

Last Reported Status

In progress

2023-24 Annual Report:

An onsite social work service delivery model was trialled across seven schools in 2023. An evaluation of this pilot has been completed and the findings will inform future service offering as more funding becomes available for increased social and youth work in schools.

The proposed service expansion model is due to commence in 2024-25.

Preparation for the Allied Health review has commenced with recruitment currently underway for a Project Manager to lead this review.

2024-25 Annual Report:

The Allied Health Review continues to progress. The Design Group met on 20 and 21 February 2025. During term 2, the Design Group members were involved in exploring in more detail the options that were drafted during the February workshop. Estimated completion date of the review is end of October 2025.

Auditor-General's Observation

The ACT Government response indicated agreement in principle with this recommendation and that the Directorate 'continues to explore and evaluate models of service delivery' including through an Allied Health Review.

ED's *Annual Report 2023-24* identified the recommendation's implementation was in progress and that a 'proposed service expansion model is due to commence in 2024-25'. It identified preparation for the Allied Health Review had commenced.

ED's *Annual Report 2024-25* advised the Directorate continues to explore implementation options and that the completion of the Allied Health Review was imminent.

Recommendation 4 – Student Centred Appraisal of Need

The Education Directorate should prioritise work to transition from the Student Centred Appraisal of Need (SCAN) to a functional needs-based assessment model that:

- a) considers students' voice, aspirations, goals and strengths;
- b) considers students' functional needs in their school context;
- c) is aligned to NCCD levels of adjustment; and
- d) is clearly linked to provision of reasonable adjustments.

Government Response

Reported Status

Agreed

As outlined above, the Strategy's First Action Plan 2024-2026 commits to developing a new needs-based funding model for students with disability. SCAN will no longer be required under the new needs-based funding model.

The Education Directorate is currently trialling a needs-based alternative to SCAN using a Student Adjustment Matrix and Preschool Adjustment Matrix that considers student voice and functional needs in a school context to inform the new model, which will be aligned to NCCD levels of adjustment and clearly linked to provision of reasonable adjustments.

Annual Report (ED)

Last Reported Status

In progress

2023-24 Annual Report:

Work is underway to phase out current DEPA/SCAN processes in the lead up to the implementation of a new adjustments-based funding model. The Preschool Adjustment Matrix is being used by all preschools and the Student Adjustment Matrix trial in kindergarten to year 12 schools is continuing in 2024, with significant guidance material prepared for schools to access via the Service Portal.

Both matrices are aligned to NCCD levels of adjustment and consider functional needs in school settings.

2024-25 Annual Report:

Work is continuing to phase out the Student-Centred Appraisal of Need (SCAN) process with the introduction of the new adjustments-based resourcing model from 2026. Schools are being supported to use the Student Adjustment Matrix (SAM), which is aligned to the Nationally Consistent Collection of Data (NCCD) levels of adjustment and consider functional needs in school settings. Professional learning is underway about the NCCD and the SAM.

Auditor-General's Observation

The ACT Government response indicated agreement with this recommendation, and that the Student Centred Appraisal of Need 'will no longer be required under the new needs-based model'.

ED's *Annual Report 2023-24* identified the recommendation's implementation was in progress and that 'work is underway to phase out current DEPA/SCAN processes in the lead up to the implementation of a new adjustments-based funding model'.

ED's *Annual Report 2024-25* advised the recommendation's implementation remained in progress.

Recommendation 5 – School Resource Allocation Model

<p>The Education Directorate should make information on its school resource allocation model for students with disability publicly available, including:</p> <ul style="list-style-type: none"> a) the eligibility requirements for different levels or types of funding; b) allowable uses for different levels or types of funding; c) case studies illustrating how funding may be effectively used in different types of schools and for different student cohorts; and d) funding rates and calculation methods. 		
Government Response	Reported Status	Agreed in principle
<p><i>The Education Directorate is currently developing a new Students with Disability Needs Based Resource (NBR) Model which will transition from the current diagnosis driven model to an adjustment-based allocation model anchored by the Nationally Consistent Collection of Data. The information made publicly available about the new NBR model will be considered at a later stage as it is implemented.</i></p>		
Annual Report (ED)	Last Reported Status	In progress
<p><u>2023-24 Annual Report:</u> <i>A communications and engagement plan is in development to support this new Students with Disability Needs Based Resource Model to ensure it is understood by families, staff and the wider community.</i></p> <p><u>2024-25 Annual Report:</u> <i>A comprehensive communications plan is currently being finalised to support the adjustment-based resourcing model to ensure that messaging is consistent, accessible and clear.</i></p>		
Auditor-General's Observation		
<p>The ACT Government response indicated agreement in principle with the recommendation, but that information made publicly available about the new '[Students with Disability Needs Based Resource (NBR) Model] ... will be considered at a later stage as it is implemented'.</p> <p>ED's <i>Annual Report 2023-24</i> identified that implementation of the recommendation was in progress and that a 'communications and engagement plan is in development to support' the new model.</p> <p>ED's <i>Annual Report 2024-25</i> identified 'a comprehensive communications plan is currently being finalised'. Implementation of the recommendation remained in progress.</p>		

Recommendation 6 – Physical Accessibility Modifications – Documenting Approval and Prioritisation Criteria

<p>The Education Directorate should develop a policy and associated procedural guidance for the assessment, approval and prioritisation of requests for physical accessibility modifications in ACT public schools.</p>		
Government Response	Reported Status	Agreed
<p><i>Infrastructure requirements related to inclusive education will be included within the Education Directorate's Strategic Asset Management Plan, the Public-School Infrastructure Renewal Program (PSIRP) infrastructure prioritisation tool and the Education Directorate Infrastructure Specifications (EDIS) where appropriate.</i></p> <p><i>The Strategy First Action Plan 2024-2026 also commits to establishing an Inclusive Education Infrastructure Working Group, embedding inclusive education in the Directorate's Strategic Asset Management Plan, and engaging the Inclusive Education Student Voice Forum to provide advice on infrastructure decisions.</i></p>		
Annual Report (ED)	Last Reported Status	Complete
<p><u>2023-24 Annual Report:</u></p>		

The Directorate has developed policy and associated procedural guidance including Strategic Asset Management Plan, Education Directorate Infrastructure Specifications, Asset Renewal Program prioritisation tool. These documents illustrate internal systems and mechanisms currently supporting the assessment, approval and prioritisation of physical modifications in ACT public schools.

Auditor-General's Observation

The ACT Government response indicated agreement with the recommendation along with various activities intended to implement the recommendation.

ED's Annual Report 2023-24 identified that implementation of the recommendation was complete.

Recommendation 7 – Physical Accessibility Modifications – Minimum Standards

The Education Directorate should provide information to schools and on their website about:

- a) the minimum physical accessibility features or upgrades available for ACT public schools; and
- b) the process for obtaining these.

Government Response

Reported Status

Agreed

Minimum physical accessibility features for ACT public schools will be identified in the Education Directorate Infrastructure Specifications (EDIS).

Information about these requirements and the process for requesting these works will be made available to schools and on the Directorate website.

As above, the Strategy First Action Plan 2024-2026 also commits to establishing an Inclusive Education Infrastructure Working Group to provide advice on infrastructure modifications required, embed inclusive education within the Directorate's Strategic Asset Management Plan, and engaging the Inclusive Education Student Voice forum to provide advice on infrastructure decisions.

Annual Report (ED)

Last Reported Status

In progress

2023-24 Annual Report:

The Directorate has commenced work to document and make available guidance resources about minimum physical accessibility features and the process for requesting these works, this material will be available to schools and made publicly accessible on the Directorate's website. As per the Strategy First Action Plan 2024–2026, an Inclusive Education Infrastructure Working Group has been established. Key members meet fortnightly to provide advice and plan infrastructure decisions.

2024-25 Annual Report:

A commitment under the Inclusive Education Strategy First Action Plan 2024–2026 to establish an Inclusive Education Infrastructure Working Group occurred in term 1 2025. The working group provides advice on infrastructure responses and embeds inclusive education within the Directorate's Strategic Asset Management Framework (SAMF). This includes work to define minimum physical accessibility requirements, which will be shared with schools and the community and be identified in the Education Directorate Infrastructure Specifications (EDIS). The Inclusive Education Student Voice forum will be engaged to provide advice on infrastructure matters, with consideration being given to upcoming opportunities to enhance student voice in planning new schools and upgrades.

Information about student supports and wellbeing information will continue to be updated and enhanced.

Information is available to ACT public schools through ConnectED to support and connect schools to various supports available to enhance the learning, wellbeing, participation and engagement of students.

This information is available to the community through the [act.gov.au](https://www.act.gov.au/education-and-training/life-at-school-and-college/student-support-and-wellbeing) website, including advice on how health, wellbeing, accessibility and clinical practice supports can be accessed and contact information: <https://www.act.gov.au/education-and-training/life-at-school-and-college/student-support-and-wellbeing>.

Auditor-General's Observation

The ACT Government response indicated agreement with the recommendation along with various activities intended to implement the recommendation.

ED's Annual Report 2023-24 identified the recommendation's implementation was in progress.

ED's *Annual Report 2024-25* provided information about various initiatives to improve information provision, noting the recommendation's implementation was still in progress.

Recommendation 8 – Learning Support Assistant Pathways

The Education Directorate should provide a clear, incremental learning pathway for Learning Support Assistants, with different learning opportunities clearly aligned to different and more specialised roles or classifications, including:

- a) a paid, centralised induction for new Learning Support Assistants, similar to that provided for new teachers;
- b) sufficient paid hours for Learning Support Assistants to participate in formal professional learning and school-based planning and preparation; and
- c) more opportunities for Learning Support Assistants to observe better practice in specialised schools and settings.

Government Response	Reported Status	Agreed in principle
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Professional learning was provided for Learning Support Assistants (LSAs) in Week 0, Term 1, 2024.

A new professional learning package for LSAs has been developed and delivered in 2023 and has already been accessed by more than 200 staff. This package will be assessed and refined for continued use in 2024 and beyond. This package of professional learning is available to all LSAs throughout the year and supports the school-based induction of LSAs which occurs throughout the year.

Formal professional learning for LSAs is supported through the LSA Scholarship Program, providing free access to a Certificate IV in Education Support or Certificate III in Early Childhood Education and Care.

Work is under way to progress Recommendation 5 of the Teacher Shortage Taskforce, investigating incentives for current staff in schools such as LSAs to complete a teaching qualification. The Directorate acknowledges that providing incentives such as paid time and financial support for current staff in schools such as LSAs to complete a teaching qualification, not only provides a broader career pathway for LSAs, but also provides direct incentives to develop in an area directly relevant to their duties, and capitalise on their invaluable experience as an LSA in setting them up for success in a teaching career. The Directorate expects to finalise these incentives in 2024.

The relevant enterprise agreement includes a continuing commitment by the Directorate to “developing career pathways for School Assistants that build on the expertise of current and future employees to support improved student outcomes; value and encourage lifelong learning; and foster stronger partnerships with teachers.”

To support this commitment, the Directorate, in consultation with relevant unions and employees, will develop and implement a framework for the central engagement, transfer and placement of School Assistants. Creating a framework will provide greater opportunities for the mobility of LSAs across the system including further exposure to a range of different settings and programs and greater career pathways.

The Strategy First Action Plan 2024-2026 also commits to developing support guidelines for LSAs and exploring the development of an “online classroom” to lift the capability of the LSA workforce. The First Action Plan 2024-2026 also commits to establishing formal school partnerships between the ACT’s four specialist schools and surrounding local schools which will create mentoring, coaching and observational opportunities for school-based staff.

Annual Report (ED)	Last Reported Status	Complete
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2023-24 Annual Report:

The universal training package to support learning support assistants (LSAs) continues to be offered in 2024 with a high participation rate. 317 LSAs completed the training in the 2024 calendar year. In accordance with Section R13 of the Administrative and Related Classifications Enterprise Agreement 2023–2026, all school assistants, including learning support assistants, must participate in a minimum of 4 days (ie. 25 hours or pro rata per their ordinary hours) of appropriate and approved professional learning and planning per calendar year as identified in their performance development plan.

2024-25 Annual Report:

- a) *All LSAs are able to attend the Directorate’s all-staff induction days, which are held once per term. In addition, the LSA Universal Professional Learning program has been launched, which provides an intensive one-day program that provides LSAs with information on:

 - a. *understanding their legislative and regulatory role with schools*
 - b. *knowing our students and how they learn*
 - c. *self-care**

This program is run on every pupil-free day and has been attended by more than 1000 staff.

- b) In accordance with Section R13 of the Administrative and Related Classifications Enterprise Agreement 2023–2026, all School Assistants, including LSAs, must participate in a minimum of 4 days (i.e. 25 hours or pro rata per their ordinary hours) of appropriate and approved professional learning and planning per calendar year as identified in their performance development plan.*
- c) The School Assistant Recruitment and Mobility Guidelines came into effect from the commencement of the 2025 school year. The guidelines provide for the central engagement, transfer and placement of School Assistants. The guidelines provide greater opportunities for the mobility of LSAs across the system, including further exposure to a range of different settings and programs, and greater career pathways.*

Auditor-General's Observation

The ACT Government response indicated agreement-in-principle with the recommendation and a range of activities already underway, and being planned, to address the support needs of Learning Support Assistants.

ED's *Annual Report 2023-24* identified the recommendation's implementation was in progress.

ED's *Annual Report 2024-25* identified the implementation of the recommendation as complete and provided details about activities to implement the recommendation including launch of a professional learning platform, confirmation of paid hours available for LSAs to pursue learning opportunities and the introduction of new guidelines to provide for greater LSA mobility.

Auditor-General Report No.10 of 2023
Human Resources Information Management System (HRIMS) Program¹⁵
(15 December 2023)

Auditees

The auditee for this audit was the Chief Minister, Treasury and Economic Development Directorate.

Audit Objective

The objective of the audit was to assess the effectiveness of the planning for, and management of, the HRIMS Program.

Summary

As part of the 2017-18 ACT Budget \$15.0 million was approved for the design and implementation of a new whole-of-government Human Resources Information Management System (HRIMS). The funding sought to:

... deliver an ICT solution that optimises payroll services' integration with effective Human Capital Management (HCM) for ACT Government. This will increase efficiency, improve service delivery and allow the ACT Government to assume a more strategic approach to managing its human capital.

Work commenced on the HRIMS Program in March 2017. The Program was estimated to take 29 to 39 months to complete.

The audit considered the effectiveness of the planning for, and management of, the HRIMS Program.

Government response

Ms Chris Steel MLA, Special Minister of State, tabled the ACT Government's response to the Performance Audit Report on 6 February 2024.¹⁶

¹⁵ [Report No. 10 of 2023 – Human Resources Information Management System \(HRIMS\) Program](#)

¹⁶ [PAC – AG Report 10 of 2023 – Government Response Tabled 6 February 2024](#)

Recommendation 1 – Report to the ACT Legislative Assembly

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

Reported Status

Agreed

The ACT Government provided a lengthy and detailed response to the audit report.

Because of its length it is not reproduced here.

Annual Report (CMTEDD)

Last Reported Status

Complete

2023-24 Annual Report:

A comprehensive plan detailing the actions to be taken by the Territory to address the failures identified in the report was included as part of the Government Response for this report.

Auditor-General's Observation

The ACT Government response to the report was intended to be the 'comprehensive plan that details the actions to be taken by the Territory to address the failures identified in this report' as recommended. The ACT Government response identified a number of actions that are expected to address the deficiencies and shortcomings identified in the report.