



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2022-2023

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

ANSWER TO QUESTION TAKEN ON NOTICE DURING PUBLIC HEARINGS

Asked by Peter Cain MLA on Wednesday, 24 August 2022: Dr John Boersig took on notice the following question(s):

[Ref: Hansard Transcript Wednesday, 24 August 2022 [PAGE 18]]

In relation to:

MR CAIN: When the Attorney-General gave this—I mean in what form was his requirement for the lease to have a gas conversion to electricity, in what way was that communicated to you? Was that—

Mr Boersig: That is by writing and it is a formal process that when you seek the Attorney's permission for expenditure, we offer a brief explanation about the procurement and the result of the procurement and seek delegation, so ultimately he writes back to be and—or back to anyone, I suppose, in that context, and sets out what he requires as a condition of that approval.

MR CAIN: What rationale did the Attorney provide for this requirement?

Mr Boersig: Okay, well this goes back, as I understand—and really, it is a matter that ultimately best explained by the Attorney—but as I understand it, the policy in relation to conversion links to an agreement between the Labor and a Green coalition and the implementation of that policy occurred late last year, so it actually occurred after our procurement process.

MR CAIN: Is this correspondence able to be shared with—

Mr Boersig: I have to take that on notice. I mean, it is pretty straightforward, the Attorney is pretty clear about his views on this issue but if I can take that on notice, I will.

Chief Executive Officer of the ACT Legal Aid Commission, Dr John Boersig: The answer to the Member's question is as follows: —

I am advised that the correspondence referred to during the hearing of 24 August 2022 is able to be shared and copies of the letters are attached for the benefit of the Committee.

Approved for circulation to the Select Committee on Estimates 2022-2023

Signature:

Date:

31/8/22

By the Chief Executive Officer of the ACT Legal Aid Commission, Dr John Boersig



Shane Rattenbury MLA
Attorney-General
Minister for Consumer Affairs
Minister for Water, Energy and Emissions Reduction
Minister for Gaming

Member for Kurrajong

Dr John Boersig PSM
Chief Executive Officer
Legal Aid ACT
john.boersig@legalaidact.org.au

Our ref: REC21/44603

Dear Dr Boersig *John*

Thank you for your letter of 9 September 2021 regarding the procurement of premises for the Legal Aid Commission (the Commission) and the process undertaken by the Commission to test the market to ensure value for money (VFM) is achieved. I apologise for the delay in my response.

I note the thorough analysis that the Commission has undertaken, using external experts CIVIUM, to consider future accommodation options, and I agree that based on the information provided, remaining at 2 Allsop Street (2AS) represents the best value for money.

However, I am concerned that natural gas-powered heating and hot water units are in use at 2AS. As you know, the ACT Government's Parliamentary and Governing Agreement commits it to ensuring that all new leases for ACT Government buildings are in buildings which are fossil fuel gas-free premises.

In the circumstances, I require that you seek to include in LAACT's new 2AS lease a provision obliging the lessor to replace fossil fuel gas-powered units as they reach their end of life with units that are not powered by fossil fuels.

Subject to that provision being included in the contract, in accordance with section 44 of the Legal Aid Act 1977, I provide my approval for the Commission to enter into a contract to lease the space currently occupied at 2AS, Canberra City for a further ten years.

I note that the total value of this expenditure is estimated at \$8 million over 10 years once incentives and fit-out costs associated with the building are accounted for.

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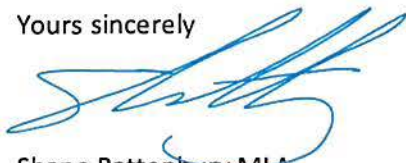
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Should you have any questions about this matter I encourage you to contact the Justice and Community Safety Directorate. The action officers within JACS for this matter are Kelly Lokan and Nadia Marjan who can be contacted via kelly.lokan@act.gov.au and nadia.marjan@act.gov.au

Yours sincerely



Shane Rattenbury MLA
Attorney-General

18/11/21



Shane Rattenbury MLA

Attorney-General

Minister for Consumer Affairs

Minister for Water, Energy and Emissions Reduction

Minister for Gaming

Member for Kurrajong

Dr John Boersig PSM
Chief Executive Officer
Legal Aid ACT
john.boersig@legalaidact.org.au

Our ref: PRO22/2043

Dear Dr Boersig

John

I refer to our previous correspondence regarding Legal Aid ACT's lease of premises at 2 Allsop Street, Canberra City.

In my letter of 18 November 2021 I approved a further 10-year lease of the premises on condition that the lessor include a provision in the lease obliging the lessor to replace fossil fuel gas-powered equipment as it reached end of life with equipment not powered by fossil fuels

I am advised that following extensive negotiations the lessor of the premises has agreed:

- to consider the installation of zero emissions heating and ventilation systems when the existing fossil fuel gas systems reach end of life, and
- should the lessor decide not to install zero emissions systems, allow early termination of the lease with a minimum lease term of five years.

I confirm that this outcome is acceptable in the circumstances of this procurement process which I note commenced prior to the implementation of the Government's policy regarding all electric leased premises.

I ask, however, that should the lessor provide notice triggering the possibility of early termination that you consult with me directly about the decision as to whether to exercise the right of termination.

Subject to that request, in accordance with section 44 of the *Legal Aid Act 1977*, I provide my approval for Legal Aid ACT to enter into a contract to lease the space currently occupied at 2 Allsop Street, Canberra City for a further 10 years.

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I note that the total value of this expenditure is estimated at \$8 million over 10 years once incentives associated with the building are taken into account .

Thank you for your constructive engagement with the Justice and Community Safety Directorate, the Environment and Sustainable Development Directorate and ACT Property Group in supporting the Government's emissions reduction policy and achieving this outcome.

The action officer for this matter is Richard Glenn, Director-General Justice and Community Safety who can be contacted on (02) 6207 0501 or at richard.glenn@act.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'SR', with a large, stylized flourish extending from the bottom right.

Shane Rattenbury MLA
Attorney-General

19 July 2022