

2024

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

TENTH ASSEMBLY

Standing Committee on Public Accounts - Report No. 23 -

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

Government Response

**Presented by
Mick Gentleman MLA and Shane Rattenbury MLA
Minister for Fire and Emergency Services and Attorney-General
September 2024**

Introduction

On 16 August 2023, the Standing Committee on Public Accounts (the Committee) commenced an *Inquiry into Auditor-General's Performance Audit Reports January-June 2023*. The Auditor-General reports during this period were:

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

The closing date for written submissions was 29 September 2023. Public hearings were held on 8 and 9 November 2023. A late written submission was provided by the United Firefighters Union (UFU) on 27 March 2024.

The Committee's report was released on 26 June 2024. The report identifies 10 recommendations for the ACT Government to consider. The Government Response to each of the recommendations is provided below.

ACT Government Response to Recommendations

Recommendation 1 - The Committee recommends that the ACT Government provide the Assembly with an update on the implementation of the audit recommendations before the end of the 10th Assembly.

Government Response – Agreed – Access Canberra continues to implement the recommendations outlined in the *Auditor-General's Performance Audit Report No. 1/2023: Construction Occupations Licensing*. Key achievements to date include creating and updating licencing policies and procedures (in progress), creating a single database for recording demerit points, and supporting the ICT project to replace COLMS with the Common Licencing Capability (CLC) program. The CLC program is expected to be implemented in the second half of 2025 and will provide enhanced data access and reporting and act as a single source of truth for licences issued by Access Canberra.

Recommendation 2 – The Committee recommends that the ACT Government allocate the necessary funding in the 2024–2025 budget for Access Canberra to continue to improve the processes for construction licencing, as identified by the Auditor-General and internal Government reviews.

Government Response – Noted – Access Canberra is creating efficiencies and overall improvements to its construction licencing program with its existing resourcing, which continues to be funded in the 2024-25 budget.

Recommendation 3 – The Committee recommends that the ACT Government publish the results of the independent audit into Canberra Health Services procurement and contracting.

Government Response – Agreed – Results of the Independent Audit are detailed in the Executive Summary that is attached to this response (Annexure A).

Recommendation 4 – The Committee recommends that the ACT Government provide the Assembly with an update on the Public Trustee and Guardian’s revised Conflicts of Interest policy and approach and a schedule for further regular reviews of this policy to ensure it continues to be fit for purpose.

Government Response – Agreed– The Public Trustee and Guardian has adopted the Justice and Community Safety Directorate (JACS) conflict of interest policy. This policy was last reviewed in April 2023 and is actively maintained in accordance with the JACS policy management framework. Information on the conflict of interest policy and approach is included in the JACS Annual Report which is tabled in the ACT Legislative Assembly.

Recommendation 5 – The Committee recommends that the ACT Government provide the Assembly with an update on the Public Trustee and Guardian’s complaint management arrangements.

Government Response – Agreed – The Public Trustee and Guardian has adopted the audit report recommendation to include reporting on feedback, complaints, and complaint handling in its Annual Reports. The agency will continue to include this information in its Annual Reports which are tabled in the ACT Legislative Assembly.

Recommendation 6 – The Committee recommends that the ACT Government:

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

Government Response – Agreed-in-principle – In conducting its audit, the Auditor-General's Office, which is independent of Government, had access to all the available information in relation to the procurement of the electric fire truck. The only recommendation in the Audit Report is that *'The ESA should, prior to its deployment, formally assess and confirm that the hybrid fire truck meets the needs of the ESA as an urban pumper in the Territory'*.

The Audit Report does not make any recommendations in relation to the procurement of the electric fire truck or value-for-money, nor were there any findings or observations of any improper conduct against any individual involved.

The government is committed to transparency and upholding the highest standards of public confidence in the public service. Investigations or reviews into breaches of the code of conduct are undertaken in line with legislative requirements and well tested public service complaints processes. It would be inappropriate to comment on the existence or otherwise of individual complaints matters.

Recommendation 7 – The Committee recommends that the ACT Government update the Assembly when the hybrid electric fire truck becomes fully operational.

Government Response – Agreed – The ACT Government can advise the Assembly that the vehicle is expected to become operational during 2024, pending the completion of the commissioning process. The ACT Legislative Assembly has previously been advised of this timeline in Question on Notice No. 1662.

Recommendation 8 – The Committee recommends that the ACT Government ensure that future procurement by ESA is properly researched and that this research is appropriately documented and demonstrated.

Government Response – Agreed – All ACT Government Directorates and Agencies, including the ESA, are required to abide by the *Government Procurement Act 2001*. This includes ensuring procurements are properly researched and documented.

Recommendation 9 – The Committee recommends that the ACT Government provide evidence to the Assembly that all procurements by the Emergency Services Agency since the hybrid electric fire truck have undergone a value-for-money assessment as required by section 22A of the *Government Procurement Act 2001*.

Government Response – Agreed – All ACT Government Directorates and Agencies, including the ESA, are required to abide by the *Government Procurement Act 2001*. As part of these requirements the ACT Government publishes all contracts with a value of \$25,000 or more on the ACT Government [Contracts Register](#). All items on the [Contracts Register](#) have undergone a value-for-money assessment.

Recommendation 10 – The Committee recommends that the ACT Government ensure that:

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

Government Response – Agreed – Every effort is made to ensure corporate knowledge is maintained in the ESA, noting this is a challenge faced by every organisation.

JACS also makes every effort to ensure it provides witnesses who can answer Committee questions during public hearings. At the public hearings in November 2023, witnesses were provided to answer questions around the procurement process for the electric fire truck. JACS, which includes the ESA, did not anticipate the number of detailed technical questions in relation to the construct of the vehicle. In hindsight, a member of the Technical Workgroup for the electric fire truck would also have been provided as a witness.