



Inquiry into Appropriation Bill 2026–2027 and Appropriation (Office of the Legislative Assembly) Bill 2026–2027

Answer to question taken on notice

Asked by: Mr Mark Parton MLA

Addressed to: Chief Minister

In relation to: ACT Public Service and Operation Kingfisher Report – DG Resignation

Hearing: 27 July 2026

Uncorrected Proof Transcript pp 95-96

Transcript provided: 31 July 2026

Answer Due: 7 August 2026

Russ Campbell and Mr Andrew Barr MLA took on notice the following question(s):

MR PARTON: Thank you, Chair. Chief Minister, the Kingfisher report found that the former Director-General of Education, Katy Haire, engaged in serious corrupt conduct. Ms Haire resigned as Director-General at the end of 2024 and, of course, given what we now know from the Kingfisher report, it is pretty clear why she wanted to resign before the report came out. Chief Minister, given the very serious nature of the findings against Ms Haire, will you now seek to have her employment terminated retrospectively a la Dr Margot McNeill and her New South Wales employer?

Mr Barr: Look, I do not know that that is a legal option open to me. I am not the employer obviously. There are a variety of legal processes that come at the conclusion of an Integrity Commission report in terms of what happens next, as I have mentioned both in my public statement and in the media, that includes referrals to appropriate entities. That would include policing and the DPP in relation to any further matters that are relevant to them. Employment matters sit with the public service. I think perhaps in light of the other questions that have been asked, again, I will respect the intent of the question and take on notice what legal avenues may be pursued. But the question is not one for me. I cannot—

MR PARTON: No, you have taken it on notice, that is sufficient. Can I ask what was the payout received by Ms Haire upon her resignation? Did she receive any benefit apart from her normal entitlements?

Mr Barr: I do not know. I am not privy to that. I would have to take that on notice.

Mr Campbell: We will take it on notice what is—

MR PARTON: Okay. Back in 2024—

THE CHAIR: Sorry, sorry, Mr Campbell.

Mr Campbell: We will take a notice what is able to be provided.

THE CHAIR: Okay.

MR PARTON: Back in 2024, it was revealed that Ms Haire had commenced legal action in the ACT Supreme Court to put a stop to the Kingfisher investigation and that action ultimately failed. It was also revealed that the ACT taxpayer was footing the bill for her legal costs in bringing forward this action. Given the very serious findings against Dr Haire, what action will the government be taking to recoup those legal fees, Chief Minister?

Mr Barr: I am not sure that there is an avenue to do that unless there is a finding at law as opposed to an Integrity Commission finding, so there are obviously different legal outcomes. Again, I think it is best I take that on notice. Again, I think it is important to understand the role of the Integrity Commission and its findings and then subsequent legal action that can occur.

MR PARTON: Are you suggesting, Chief Minister, if I have heard you correctly, that if indeed there was—are you suggesting that if there were criminal findings against Dr Haire that the ACT government would be in a position to recoup money paid in the ACT Supreme Court action to stop the Kingfisher investigation?

Mr Barr: Let me take that on notice, I am not a legal expert, and I do not wish to prejudice any elements of what may follow by comments in this hearing.

THE CHAIR: Sorry, two things, are you then suggesting that the Integrity Commission's findings have no legal bearing?

Mr Barr: I am suggesting that there are potentially further, and we need to understand what the Integrity Commission finding is. It has a certain legal status, but there are other legal statuses that can follow, or not, from an Integrity Commission finding.

THE CHAIR: Okay. And you have sought legal advice about all of that? Have you already sought the advice? Or are you seeking the advice?

Mr Barr: I will, again, in taking the question on notice, I will seek advice on what I can say in answering it.

MR PARTON: Chief Minister, just for the record, for the purposes of this line of questioning, what was the actual final bill to the taxpayer for the taxpayer funded Supreme Court action from Ms Haire to stop the Kingfisher investigation.

Mr Barr: I do not have that information; I would need to take that on notice.

Mr Andrew Barr MLA: The answer to the Member's question is as follows:

Ms Haire received her normal statutory entitlements upon finishing with the ACT Public Service (ACTPS). I am unaware of any basis upon which the employment of an ACT Public Service may be terminated in circumstances where that person retired from the public service some time ago.

Current or former public employees who are the subject of legal claims or inquiries arising out of the course of the performance of their duties are entitled to seek assistance in relation to their legal representation pursuant to the *Law Officers Legal Services Directions 2023*.

An Integrity Commission process and associated public hearings are equivalent to an inquest or inquiry and findings may impact on the reputation of those who are involved in such a process, including where inquiries are public or adverse findings are made. A decision to provide legal representation is fundamental to ensuring the Territory, as an employer, discharges its duty of care to staff and recognises the importance to the administration of justice that persons appearing before inquiries are adequately represented.

Legal representation and the entitlement to assistance is underpinned by long standing principles that are reflected in the Australian Law Reform Commission's Report "Making Inquiries: A New Statutory Framework". The principles provide that those involved in an inquiry should be given adequate opportunity to prepare their case; be assisted by their legal advisor and that the legal expense should be met out of public funds. In addition, consideration should be given to:

- whether the person has a valid reason to seek legal representation;
- whether it would cause hardship or injustice for the person to bear the costs of legal representation or appear without legal representation;
- the nature and possible effect of any allegations made about the person;
- whether the person could be the subject of adverse findings; and
- the nature and significance of the contribution that the person will, or is likely to, make to the inquiry.

The conditions of approval for assistance to ACT public officials have evolved over time and approval is now generally granted on the condition (on behalf of the Territory) that the Territory reserves the right to recover expenses for legal assistance in the event that it is established that the employee has acted other than in the course of their employment or acted in bad faith. As assistance is provided under an administrative scheme the legal basis upon which to recover fees that have been paid is unclear. The chilling effect on public officials if they are exposed to recovery action and the undoubted hardship that follows are significant and relevant considerations.

The Government will be taking further advice in this regard.

I draw the member's attention to the then Attorney-General's responses regarding Ms Haire in the Legislative Assembly in June 2024 and the Solicitor-General's response regarding legal assistance in the hearing of the Select Committee on Estimates 2024-25 on 2 August 2024 (pp 1086-1091).

The Supreme Court proceeding was in relation to challenges to the conduct of the investigation regarding issues of procedural fairness. Based on the estimates provided by Ms Haire's lawyers the legal cost for the Supreme Court action was approximately \$55,000 which includes counsels' fees.

OFFICIAL

Approved for circulation to the Select Committee on Estimates 2026-2027

Signature: 

Date: 6.8.26

By the Chief Minister, Mr Andrew Barr MLA