



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

SELECT COMMITTEE ON PRIVILEGES 2022

Mr Jeremy Hanson CSC MLA (Chair), Ms Jo Clay MLA (Deputy Chair),  
Mr Michael Petterson MLA

## Submission Cover Sheet

Inquiry into possible contempt of the Assembly:  
Imposition of prohibition notice by WorkSafe ACT

**Submission Number: 6.2**

**Date Authorised for Publication: 14 November 2022**



**Mick Gentleman MLA**

Manager of Government Business  
Minister for Planning and Land Management  
Minister for Police and Emergency Services  
Minister for Corrections  
Minister for Industrial Relations and Workplace Safety

Member for Brindabella

---

**Jeremy Hanson MLA**

Chair  
Select Committee on Privileges  
ACT Legislative Assembly  
CANBERRA ACT 2601  
By email: [lacommitteeprivileges2022@parliament.act.gov.au](mailto:lacommitteeprivileges2022@parliament.act.gov.au)

Dear Chair 

Thank you again for the opportunity to discuss matters before your community and the opportunity to also review the Proof Transcript of Evidence provided on Friday afternoon.

The requests from the Committee are captured in the enclosed chronology of events.

I would be more than happy to provide any documents and answer any questions the Committee may have.

I trust this is of assistance to the Committee's work.

Yours sincerely



Mick Gentleman MLA

7/11/2022

Encl – Chronology of Events

### Chronology of Events

Date/Time	Event	Content
1.46pm 28 July 2022	Letter from Estimates Committee (the Committee) emailed to the generic Ministerial inbox and generic email accounts of Directorate Liaison Officers (DLO) that support Minister Gentleman.	<p>The letter contained the following:</p> <p><i>The hearings will be conducted in the Prince Edward Island Committee Room ...</i></p> <p><i>... The letter confirms this timing for you and your officials to appear before the Committee.</i></p> <p>The contents of this letter was the same for all Ministers, except for the portfolio titles and times. The Committee provided letters directly the generic inboxes of Ministers and to DLOs.</p>
4.22pm 28 July 2022	Email to Committee from Minister Gentleman's Office	<p>Email stated:</p> <p><i>Thank you for your invitation to Minister Gentleman. I can confirm that all four of the times work well for the Minister and have been confirmed in his diary.</i></p>
2:24pm 29 July 2022	Further email to Committee from Minister Gentleman's Office	<p>Email requested a timing change. This arose from the scheduling of meeting of Commonwealth, State and Territory Ministers.</p> <p>The email also requested Officials appear online. This had been the routine approach of the Office to all hearings and meetings.</p>
4.23pm 29 July 2022	Email response from Committee Secretariat	<p>Response was:</p> <p><i>Thank you for your email.</i></p> <p><i>The Secretary will put forward your request to the committee, however, the schedule is up to the committee.</i></p>
5.45pm 29 July 2022	Further response from Committee Secretariat	<p>Response was:</p> <p><i>Thank you for your acknowledgement and advice.</i></p> <p><i>We will provide your correspondence to the Committee at its next meeting and advise on the result.</i></p> <p><i>Similarly, please get in touch if you have any questions or comments.</i></p>
12.11pm 1 August 2022	Email from Minister's Chief of Staff to Committee	<p>Email was further to earlier request from the Office to change timings. It stated:</p>

		<i>Further to our office's email on Friday, ACT Policing have advised that attendance on the Thursday will be difficult due operational commitments. Would it be possible to have the Minister for Police and Emergency Services portfolio considered on the Tuesday and the Minister for Industrial Relations and Workplace Safety portfolio considered on the Thursday?</i>
2.11pm 2 August 2022	Response from Committee Secretariat	Response was:  <i>Thank you for your advice and request.</i>  <i>We will provide your correspondence to the Committee at its next meeting and advise on the result.</i>
Before 4 August 2022	Concerns raised	On or before 4 August public servants and other ministerial offices raised concerns about the format of the hearings.
Before 4 August 2022	Discussion with Speaker's Office	Minister Gentleman's Office had discussions with Speaker's Office about Estimates and sought guidance/views around in person attendance for Ministers and Officials for hearings.
2.42pm 4 August 2022	Letter from the Committee	In relation to the hearing format, the response stated:  <i>The Committee has declined the request to hold hearings remotely. The Committee has taken the view that, under the prevailing circumstances, current COVID arrangements will be sufficient. These include social distancing, cleaning seats and desks between witnesses, and hand sanitiser. Witnesses are also free to wear masks in the precincts.</i>  <i>If a witness has a health condition that would classify them as vulnerable to COVID-19, then the Committee requests that they notify the Secretariat as soon as possible so that they can make appropriate arrangements. This could include attending remotely.</i>
After 2.41pm 4 August 2022	Concerns raised	After being aware of the letter of 4 August 2022, concerns again raised about in-person hearings by some ministerial offices and public servants. Minister Gentleman's Office sought advice from public servants.
1.24pm 8 August 2022	Response from Chief of Staff to Committee	Response related to the scheduling of portfolios for the Minister.
10.08am 8 August 2022	Further response from Chief of Staff to Committee	Further request regarding scheduling of portfolios.

<p>3.16pm 8 August 2022</p>	<p>Letter from MGB to Committee, copying in Speaker</p>	<p>Letter sought further advice around measures in place for hearings including implementation of social distancing. Letter offered for the hearings to occur through a hybrid arrangement.</p> <p>Letter also noted that departure from past practice of undertaking hearings by output class and noted the requirement of all officials to be present, including from multiple directorates.</p> <p>Letter was drafted by public servants and contained the concerns raised by them.</p>
<p>3.25pm 8 August 2022</p>	<p>Email from Chief of Staff to other Chiefs of Staff</p>	<p>Email provided a copy of the letter MGB sent to the Committee at 3.16pm that day. Email stated:</p> <p><i>Ministers have received letters from the Estimates Committee indicating this year's hearings are to be in person. This has raised concerns regarding both workplace safety obligations but also for the continuity of business plans. For example, under these requirements, MPES, the Chair of SEMSOG, the Deputy Chair of SEMSOG, the ESA Commissioner, all Chief Officers within ESA, the CPO, DCPO, and each ACT Policing Commander would be in the same room for estimates for almost 2 hours. This is problematic given the pandemic. As such, MGB has written to the Committee requesting reconsideration of the decision to require all witnesses to attend in person. Attached is the letter that has been sent.</i></p> <p><i>Please also note, the request is to also move to consider each portfolio via the relevant budget output, rather than the ministerial portfolio as a whole.</i></p>
<p>10.08am 10 August 22</p>	<p>Email from Chief of Staff to Committee Secretariat</p>	<p>Emailed concerned scheduling of hearings.</p>
<p>12.08pm 11 August 22</p>	<p>Response from Committee Secretariat</p>	<p>Confirming the new times for Minister Gentleman's Portfolios.</p>
<p>12.09pm 11 August 22</p>	<p>Response from Chief of Staff to Committee Secretariat</p>	<p>Thanking the Committee for the revised schedule.</p>
<p>12.20pm 22 August 22</p>	<p>Email from Minister Gentleman's Office to Committee Secretariat</p>	<p>Following up to see if a response to MGB letter of 8 August was coming. Email read:</p> <p><i>I am following up on behalf of the Minister as we have not received a response to his letter sent on Monday. Given the urgency of this matter (hearings commence on Monday), when can we expect a response from the Chair confirming the hearing arrangements?</i></p>

12.34pm 11 August 22	Letter from the Committee	Response to MGB letter of 8 August 2022. Advised that budget outputs would not be used. Went onto say:  <i>The Committee expects relevant officials to be in attendance at all times during a session in line with administrative arrangements ... ... Overall, the Committee has decided that the hearings will be face to face where possible to provide effective scrutiny of the budget. The boards will be used as an exception were required...</i>
1.39pm 11 August 22	Letter from the Committee	Chair's letter confirming times advised in earlier emails.
2.40pm 11 August 22	MGB letter to Committee, copying in the Speaker	Letter again requested hybrid arrangements and outlined concerns held. Letter was drafted by the public service and contained concerns raised by public servants.
4.31pm 11 August 22	Email from Minister's Office to WorkSafe Commissioner	Email sought advice from WorkSafe
12.14pm 12 August 22	Letter from the Committee	Requested advice on hybrid model and went on to state:  <i>If the Committee does not regard your proposal as feasible, we will expect attendance in the Assembly Building ... ... The Webex equipment may be available for use, noting the issues with using new equipment.</i>
1.19pm 12 August 22	Email from Senior Director in WorkSafe to Minister's Office	Email provided advice.
1.33pm 12 August 22	MGB response to Committee	Letter proposed:  <i>Ministers will be presumed to attend in person, noting that this still carries significant risk to their own health and does not account for those who may be vulnerable, have family members who are vulnerable, or those who have caring responsibilities. I ask that the Committee acknowledge this risk and consult with members on its risk assessment, as is required under workplace safety duties.</i>  <i>All ACT Public Service employees and independent statutory office holders will attend virtually unless they elect to attend in person.</i>
1.37pm 12 August 22	Email response from Committee Secretariat re MGB letter of 12 August	Email stated:  <i>We will distribute this to the Committee.</i>
2.27pm 12 August 22	Letter from the Committee	Letter stated:

		<p><i>Thank you for your letter of 12 August 2022, regarding concerns about COVID safety arrangements for the upcoming Budget Estimates hearings.</i></p> <p><i>The Committee is considering your letter and will respond as soon as possible.</i></p>
10.53am 15 August 22	Letter from Committee	Letter provided update regarding revision to estimates schedule. Similar letters received by all Ministers.
11.20am 15 August 22	Email from Committee Secretariat	<p>Email stated:</p> <p><i>Dear Members</i></p> <p><i>The Chair of the Select Committee on Estimates 2022-23, Mr James Milligan MLA wishes to advise all members of the following changes to the hearings schedule:</i></p> <ul style="list-style-type: none"> <li>• <i>Hearings planned for Monday 15 August 2022 are now scheduled for Monday 29 August 2022</i></li> <li>• <i>Hearings planned for Tuesday 16 August 2022 are now scheduled for Tuesday 30 August.</i></li> </ul> <p><i>It is now planned that the hearings will be held in the Chamber rather than the Prince Edward Island Room.</i></p>
1.39pm 16 August 22	Email from Committee Secretariat	<p>Email stated:</p> <p><i>Minister Gentleman,</i></p> <p><i>I write to you at the direction of the Select Committee on Estimates 2022-2023.</i></p> <p><i>The Committee requests your attendance before it in private briefing today at 2pm at the Prince Edward Island Room.</i></p> <p><i>If you have any questions about this correspondence, I may be contacted using the details below.</i></p>
1.53pm 16 August 22	Response to Committee Secretariat from Chief of Staff	<p>Email stated:</p> <p><i>Minister Gentleman has me to respond on his behalf.</i></p> <p><i>Are you able to advise the purpose of the meeting? Also, given current public health</i></p>

		<p><i>emergency, is it possible to have Minister Gentleman appear with Officials online?</i></p> <p><i>As noted in Minister Gentleman's previous correspondence to Committee, both him, Officials and his office are available to assist the Committee with the estimates process, include COVID safe arrangements.</i></p>
2.09pm 16 August 22	Email from Committee Secretariat	<p>Email stated:</p> <p><i>Thank you for your email.</i></p> <p><i>The Committee has requested that I confirm that the briefing with Minister Gentleman today is only to discuss COVID-19 arrangements for Estimates Hearings.</i></p> <p><i>The Committee has resolved to allow Dr Damian West to attend the briefing also.</i></p> <p><i>The Committee has confirmed that the briefing is to be held face-to-face in the Prince Edward Island Room.</i></p>
2.12pm 16 August 22	Response to Committee Secretariat from Chief of Staff	<p>Email advised:</p> <p><i>I can confirm both Minister and Dr West are on their way down.</i></p>
About 2.15pm 16 August 22	MGB and Dr West met with the Committee	
3.05pm 16 August 22	Request from MBG Office to Dr West to review draft letter to Committee	This letter set what MBG believed had been in discussed at his meeting with the Committee.
3.10pm 16 August 22	Response from Dr West	Confirmed the letter looked fine.
3.20pm 16 August 22	Letter from MGB to the Committee	<p>Letter welcomed hybrid model and confirmed discussions that MGB would consult ministers and public servants. The letter advised:</p> <p><i>To assist the Committee, the Government has agreed to review the risk assessment prepared for the hybrid model above. This review will be considered by the Government as consultation for the purposes of the Work Health and Safety Act 2011, as it will engage with and consequentially reflect the interest of all those required to attend the Estimate Hearings in person. The Government will endeavour to undertake the review as quickly as possible.</i></p>



		<i>The agreed hybrid model can be instituted once the WorkSafe prohibition notice has been lifted. Should this not occur before the scheduled commencement of the Hearings tomorrow, the Government stands ready and willing to commence these Hearings online.</i>
3.23pm 16 August 22	Email from Chief of Staff to other Chiefs of Staff	Email forwarded to MGB letter of 3.20pm 16 August 2022.
4.13pm 16 August 22	Email from Committee Secretariat	Email stated:  <i>Thank you for sending through this letter.</i>  <i>We will bring it to the attention of the Committee.</i>
7.28pm 16 August 22	Letter from Committee	
7.28pm 16 August 22	Email from Committee	Email to all MLAs regarding Estimates. Contents is similar to the letter from the Committee Chair received at 7.28pm on 16 August 2022.
7.13am 17 August 22	Text message from ABC Canberra to Minister Gentleman's Media Adviser	Sought Minister Gentleman's appearance on ABC Canberra that morning. Text stated:  <i>Is Mick Gentleman available to speak about the McKellar shops development proposal this morning at 8.30am? I noticed he wasn't on Drive or Breakfast, so wondering if he's available to chat on our show?</i>
7.30am 17 August 22	Text message response back from Media Adviser to ABC	Text confirmed Minister's appearance, simply stating:  <i>Yes. Min can do 8.30am. Thanks</i>
1.40pm 17 August 22	Discussions with Officials	At the request of public servants, Minister Gentleman's Office met with Officials to discuss the draft response they had provided to the Committee's letter of 18 August.
4.45pm 17 August 22	Email to Ministerial Chiefs of Staff	Email sought feedback on draft proposed to Committee from MGB regarding WHS consultations.
5.13pm 17 August 22	Email from Committee Secretariat	Email requested changes to the proposed times for Minister Gentleman's appearance.
5.45pm 17 August 22	Letter to Committee finalised after feedback from Ministers and/or their Offices	
5.50pm 17 August 22	Letter to Committee	Letter from MGB on behalf of all Ministers.
3.02pm 18 August 22	Response to Committee Secretariat from Chief of Staff	Emailed confirmed revised times for Minister Gentleman's appearance.
4.34pm 18 August 22	Letter from Committee	Letter noted the advice that Ministers were able to attend hearings. It also advised:

		<p><i>We note your request that facilities be available for relevant Public Service officials to appear online at the hearings. The Committee has deferred consideration of this request until the Prohibition Notice no longer applies.</i></p> <p><i>The Committee has chosen to decline your request to provide indicative times for the sections within portfolios. Noting the complexities of the administrative arrangements, the schedule has been designed to maximise opportunities for Members to ask questions and to prioritise topics on the day.</i></p>
4.42pm 18 August 2022	Email from Chief of Staff to other Chiefs of Staff	<p>Emailed provided a copy of the letter from the Committee of 18 August 2022 and stated:</p> <p><i>Please find attached the Committee's response to MGB regarding the letter sent yesterday on behalf of all Ministers.</i></p> <p><i>We are working through the implications of this letter now. Please note that in person hearings for Ministers can only resume should the prohibition notice be lifted.</i></p> <p><i>Happy to answer any questions you have.</i></p>
12.29pm 19 August 22	Email from Speaker	Email advised all MLA Offices that the Prohibition Notice had been lifted.
1.04pm 19 August 22	Email to Committee Secretariat from Chief of Staff	<p>Email sought advice on how hearings would proceed. It read:</p> <p><i>Minister Gentleman has asked me to follow upon the attached correspondence [letter of 18 August 2022].</i></p> <p><i>Given discussions around a hybrid model, would the Committee permit this to be in place for Monday should the WorkSafe prohibition notice be lifted today? i.e. Ministers plus Directors-General attending in person (Deputy Directors-General as required in person), with all other Officials attending online? In relation to this model, the Minister has asked me to convey that the Executive have consulted with Officials about these arrangements, including those that would be required to attend in person. This was done consistent with the undertaking provided in an earlier letter from Minister Gentleman. No concerns have been raised by the Service regarding this hybrid arrangement.</i></p>

		<i>Many thanks for your assistance in obtaining advice from the Committee regarding the above.</i>
4.45pm 19 August 22	Email from Committee Secretariat to Chief of Staff	<p>Emailed attached a letter to MGB dated 19 August 2022 advising that on 18 August 2022 the Committee had written to the Speaker regarding the MGB letter of 16 August 2022 to the Committee.</p> <p>Email body stated:</p> <p><i>We acknowledge the receipt of your email earlier today. A response from the Committee Chair to the Minister will be sent over this afternoon, along with revised invitations to witnesses.</i></p> <p><i>In the interim, please find attached an email from the Chair to the Minister about an alleged breach of privilege by the Minister.</i></p>
5.28pm 19 August 22	Letter from Committee	<p>Letter advised confirmation of the hearing schedule. Letter was similar to those received by all Minister. Letter stated:</p> <p><i>Witnesses will be able to attend in person in the Chamber or Webex for those who can't attend in person.</i></p>
6.28pm 19 August 22	Letter from Committee	Letter advised of the hybrid arrangements to be used for the hearings.