



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**STANDING COMMITTEE ON PUBLIC ACCOUNTS AND  
ADMINISTRATION**

(Reference: [Inquiries into Annual and Financial Reports 2023-24](#))

**Members:**

**MR J MILLIGAN (Chair)  
MS F CARRICK (Deputy Chair)  
MS C TOUGH**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**WEDNESDAY, 12 FEBRUARY 2025**

**Secretary to the committee:  
Ms S Milne (Ph: 6205 0435)**

**By authority of the Legislative Assembly for the Australian Capital Territory**

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

## **APPEARANCES**

**Chief Minister, Treasury and Economic Development Directorate ..... 1**

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*Amended 20 May 2013*

## **The committee met at 2.24 pm.**

Appearances:

Barr, Mr Andrew, Chief Minister, Minister for Economic Development and Minister for Tourism and Trade

Chief Minister, Treasury and Economic Development Directorate

Leigh, Ms Kathy, Head of Service and Director-General

Wright, Mr Robert, Deputy Director-General, Office of Industrial Relations and Workplace Safety

Young, Mr Michael, Executive Group Manager, Work Safety Group, Office of Industrial Relations and Workplace Safety

**THE CHAIR:** Good afternoon. We welcome the Chief Minister, Andrew Barr, and officials from the Chief Minister, Treasury and Economic Development Directorate. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. When you first speak, please confirm that you understand the implications of the pink privilege statement and that you agree to comply with it.

As we are not inviting opening statements, we will go straight to questions.

**MR COCKS:** Chief Minister, I understand you have indicated that the ACT should have a debate about the size of the ACT's public sector. The statement that was reflected in media has understandably generated a bit of concern amongst ACT public servants—that you might be looking at cuts of one sort or another. I assume that when you made that comment you had particular issues and challenges in mind. What are the issues that you think need to be debated?

**Mr Barr:** The level of service delivery responsibility at the subnational government level—that is, the states and territories in particular—is at a point now that is greater than their revenue-raising capability. What is required is better Commonwealth-state financial relations outcomes, principally in the area that is the fastest growing of state and territory budgets, and that is health. We have a one-year rollover with a funding boost in the national health agreement that was announced by the Prime Minister last week, but we still need to negotiate a new five-year agreement. That will probably not occur this side of the federal election.

As part of the national cabinet agreement to enable the Commonwealth to make a greater contribution to health, the states and territories agree to take on a level of responsibility for foundational supports in the restructured National Disability Insurance Scheme and model and that foundational supports would be provided outside of the NDIS system as we know it now. The agreement was to see states and territories no worse off—in fact, better off—but the implications of that would mean getting back into provision of disability supports through state- and territory-level public sector activity. I will not go into chapter and verse on the history of all this, but, when the NDIS was established a large number of territory-level public service positions were

effectively transitioned into the NDIS scheme and went to the community sector and the private sector. We are now being asked to effectively re-establish public sector capability in that area, with an expectation of quite significant demands on that area.

We are also having to continue growing our health workforce. As our population ages and grows, we will need more staff. We also anticipate needing more staff in the education area—more teachers. Essentially, the formula is that for every 21 new students who enrol in the public education system, a new teaching position is created, so we will need to continue that as our population grows.

Those are probably the three biggest areas of public sector increase that I would anticipate at the territory level. The size of the public sector is going to continue to grow. Unless there is a funding source for that, it puts increased pressure on the rest of the budget. We will need to transition public sector positions away from the other areas of government into those areas. That was the context of my remarks—that the public sector is going to grow. The question is about the rate of growth and where that rate occurs. Absent a new funding source, there will have to be some efficiencies sought outside of those particular areas of obvious demand.

**MR COCKS:** It sounds like you are talking about—to put it crudely—some cost-shifting between the federal level and the territory level around what exactly the ACT is responsible for.

**Mr Barr:** There are certainly going to be changes in responsibility within the federation. Outside of the goods and services tax, our next largest revenue sources are those federal financial agreements with the Commonwealth in health, education, disability, housing and skills, to name a few. They are all quite relevant to the size of the public sector and, I guess, its internal composition.

**MR COCKS:** With the increasing proportion of the economy that is the public sector, as we were talking about earlier, that is going to have a corresponding impact on things like payroll tax as well and our capacity to raise revenue from those sorts of sources.

**Mr Barr:** Yes, unless we can grow our export markets which are not captured in state final demand, which is why DSP is a better metric to measure economic diversity in the public sector versus the private sector, because SFD does not include our export sector.

**MR COCKS:** Point taken. Be that as it may, we have still some challenges. It sounds like you are saying we have really big challenges in the growing share of the work that the ACT is being asked to do in the public sector. Our revenue base—

**Mr Barr:** Not just in the ACT but every state and territory.

**MR COCKS:** Our revenue base is not increasing at this stage. What are the mechanisms that you are looking at to try to address that?

**Mr Barr:** Those are matters that principally now lie with the Treasurer, so I will not pre-empt either his hearing or those discussions within government. As I sit on national cabinet, I am alert to the issues that the states and territories are facing. It is not just the ACT; it is everywhere. The Tasmanian government, for example, released their mid-

year update, with a \$500 million deterioration in their bottom line to a deficit of \$1.3 billion, and they had to inject \$350 million extra into their health system. They are a jurisdiction of a similar size, with a similar budget to the ACT. Their fiscal position is even more challenging than the ACT's and the level of money they had to invest into their health system is more. The same thing can be said in Victoria, New South Wales, Queensland, South Australia and the Northern Territory. In fact, the only Australian state or territory that is running a significant surplus at the moment, thanks to mining and a sweetheart GST deal, is Western Australia.

**MR COCKS:** Bringing it back to the public service side of the equation, the Treasurer has indicated that there are no options off the table in terms of trying to get things back on track for the economy. Does that include public service redundancies on top of the recruitment freeze that is already in place?

**Mr Barr:** What we have indicated is that we are in the process of making some machinery of government changes that involve the amalgamation of several ACT government directorates and that there are no job losses outside of the senior executive service, where the restructure may reduce the number of SES positions. Redundancies would only potentially apply to the senior executive service at this point. Your observation goes to a directive across ACT government agencies to live within their current budget. Key to stabilising this fiscal year's position is that no agencies call upon Treasurer's Advance. Budgets are being tightly managed, but the instruction is to live within one's existing budget.

**MS CARRICK:** Will the amalgamation of the directorates lead to a reduced number of reports to ministers—a cleaner line of sight?

**Mr Barr:** That is certainly one of the criteria that we are seeking to enhance: accountability within the senior executive service of the new directorates to the Assembly through processes like these, but also, clearly, to ministers as well.

**MS CARRICK:** I noticed that a program may be spread across a number of directorates, so there is seemingly no ability to know how much is spent on a program, because it is spread across directorates. There is nobody who oversees the program and reports on it.

**Mr Barr:** I would not quite accept that characterisation.

**MS CARRICK:** Let me give you the Women's Action Plan and financial reporting of that plan as an example.

**Mr Barr:** There would be areas of a one-service approach—that is, rather than having a siloed approach to something that is government wide or territory wide, it would make sense to have a number of agencies contributing to it. But there would inevitably be a lead agency that undertakes that work, although that can sometimes vary, depending on the level of financial contribution an agency might make towards a whole-of-government task, or the number of staff, for example, that they provide. In some instances, in quantifying to the final dollar—the final minute—of the, if you like, in-kind support that a particular agency may provide to a whole-of-government strategy, you would end up spending more money trying to report on that—

**MS CARRICK:** I appreciate that. I understand how those sorts of programs are spread across different directorates. They report their performance, but they do not report their spend. That is all, essentially.

**Ms Leigh:** I have read and I accept the privilege statement. I think the key point would be the one that the Chief Minister has made. The key point would be: what is the most efficient way of delivering something? In the Women's Plan, for example, clearly the outcomes we want to achieve are spread across all the core areas of responsibility of directorates, so setting up a specific area to deliver the lot is clearly not the most efficient.

**MS CARRICK:** No; I am not saying that. I am just saying that they are reporting their performance to a central spot, but they do not report their spend to a central spot, so you cannot see how much the Women's Action Plan is costing across the directorates.

**Ms Leigh:** It does vary, depending on what the specific measures are. Some measures will be inherent in what is considered the core responsibilities of the directorate. There may be many ways that you can conduct recruitment, for example. When you are undertaking recruitment, if you are asked to make sure that you give proper regard to certain aspects, that is not necessarily going to change the cost of the recruitment, but it can change the outcome. You would be reporting that you are now doing it differently in accordance with a particular plan, but you would not be allocating money against that, because it is actually about achieving the outcome, not about how much money you are spending. You are just doing what you would have done anyway, in a way that is designed to achieve that particular outcome.

**MS CARRICK:** I would like to ask about the Commissioner for International Engagement. Could we please have a breakdown of the 176 businesses assisted? That would be taken on notice, no doubt.

**Mr Barr:** I would need to take that on notice.

**MS CARRICK:** What were the five trade missions?

**Mr Barr:** We can take that on notice. There would be public reporting of that as well, but I will take that on notice.

**MS CARRICK:** How much did the the 30th anniversary of Nara City celebrations cost?

**Mr Barr:** We will take that on notice.

**MS CARRICK:** I could put all these in writing. What is the budget for the World Expo 2025 in Osaka?

**Mr Barr:** We can take that on notice as well.

**MS CARRICK:** I will put all these on notice.

**MS TOUGH:** I am interested in finding out how the government is facilitating flexible work across the ACT public service.

**Mr Barr:** I will provide a brief overview and then officials can assist. Essentially, the government's policy is to support flexibility for ACT public servants. We do so through a range of mechanisms, including establishing co-working hubs in town centres. In an earlier hearing, there was some discussion around Commonwealth government agencies' employment location. One of the things that we have been seeking to do is to enable our staff, regardless of which area of ACT government they work for, if they have flexible working arrangements, to work from an ACT government hub within their own town centre. So, if they live in Tuggeranong, they can work closer to home, and, if they live in Gungahlin, they can work closer to home, rather than, if you like, a 20th century model saying, "Department of X is in this area," and so staff, no matter where they live in the ACT, all have to travel to that area. We want to give greater geographic flexibility.

We have also sought to both attract and retain staff through giving flexibility to meet a range of personal circumstances. That has been helpful for us in filling a number of positions that can often be hard to recruit to and retain people. But, given the strength of the ACT labour market, where, more often than not in recent times, we have had more job vacancies than we have had unemployed people, it is important for us to offer flexibility in order to attract and retain staff. Having said that, I will hand to Kathy.

**Ms Leigh:** As the Chief Minister said, there are a number of important advantages to being flexible with our work practices. First of all, looking at the benefit to our staff, as the Chief has said, it makes it easier for people to balance various commitments in their life, and that has a few advantages. For our existing staff, it means that they are better able to be focused on their work, knowing that they have sufficient time to also deal with personal circumstances. But it goes much further than that, because it means that staff who work part-time because they have a caring responsibility might find that they can actually work full-time, because they are able to juggle the hours they work. For example, they might be in the office during the day, leave in time to pick up their child from school, take their child home, give them afternoon tea or whatever, settle their child down, and then go back to their computer and do a video meeting to complete their full-time day.

That means we are not missing out on the best possible staff simply because of the arbitrary nature of who has other commitments. We always want to have the best pool available, and that is a way to get that. We are competing with the labour market here in the ACT, including the Commonwealth, and, if we can attract people because they know that they will be respected and able to work in that way—and we are interested in what they deliver, not whether they are sitting in a particular place at a particular time—then they will be more interested in opportunities here.

I would also say that it is actually good for our output, not just for the reasons I have mentioned but because it means that everybody has to focus on what people are actually delivering. You cannot have somebody being lazy and saying, "Everyone is sitting there. All is good." You actually have to know what people are supposed to deliver and measure against that. It is actually important for our management skills as well. We recently released a package of resources to managers with that in mind, saying, "When



you are managing this way, these are the things you need to think about and here are some resources to help you do that well.” I am very proud of what we have achieved. We have been out in front and it has been a really positive development.

**MS TOUGH:** Following on from that—and you kind of answered this—is the positive and supportive nature of flexible work that is helping individuals balance their work and personal needs contributing to a positive culture across the service?

**Ms Leigh:** Yes; absolutely, whether you are looking at women’s participation—because, unfortunately, it is still the case that that is often where a lot of the caring responsibilities fall—or whether you are looking at the gender pay gap—and I am also proud to say that, for about the last five years, we have neutralised that in the ACT public service. Again, we are ahead of everyone else in the ACT, public and private. You can see that all of these are measurable outcomes of exactly what you are talking about: the benefit to people.

**MS TOUGH:** Thank you.

**MS CARRICK:** I wonder whether MLAs and advisors can work from the flexi hubs.

**Ms Leigh:** We have not actually explored that, Ms Carrick. Normally, of course, we distinguish between the public service and ministers and advisors. Of course, we can make sure there are practical arrangements, should that arise. It has not arisen.

**MS CARRICK:** I would like to. My team has expressed they would like to.

**THE CHAIR:** Maybe next time we frame the annual reports hearings, we can—

**Ms Leigh:** We would have to think about there not being any confusion of accountabilities.

**MS CARRICK:** Can you take on notice how you might facilitate that?

**Ms Leigh:** We would have to give that some deep consideration.

**MS CARRICK:** Thank you.

**MR COCKS:** Beyond “I think it means” and the gut-feeling sense I was getting, how are you actually evaluating the impact of the flexible work arrangements, in terms of both performance and productivity, as well as the individual and social dynamics—things like the risk of social isolation for employees?

**Ms Leigh:** I am glad you raised that, because that is one aspect that I have not covered. That is recognised as very important, and that is included in that set of resources that we have recently provided everyone. You are absolutely right: there are risks, depending on the nature of the work. The nature of some public servants’ work can be quite confronting, and it is important that we consciously have measures in place to address that. It goes back to what I was saying before about it holding managers to account for proper focus on their responsibilities rather than just saying, “Everyone is there, so it is all okay.”

**MR COCKS:** To be clear, I am asking you about evaluation. Are you evaluating?

**Ms Leigh:** I was trying to answer the second part about the wellbeing of staff.

**MR COCKS:** That is okay. It was all about: how you are evaluating that?

**Ms Leigh:** That would go back to measuring outcomes. Everybody is held to the particular responsibilities they have in delivery, and every manager has performance agreements with their staff. As you step down through the layers, there is already machinery there. The fact that somebody is sitting there should never have been the basis for measuring the accountability and the outcomes of a work area. That is why I was saying earlier that it now means that people cannot be lazy about that. If you are talking about managing the wellbeing of our staff, again, we have staff surveys, we have risk reporting and we have a whole range of mechanisms, which again will equally apply, regardless of where people are working.

**MR COCKS:** But you are not formally evaluating the impact of flexible work on those things?

**Ms Leigh:** That would go to the comments I made about the gender pay gap, the attraction of the ACT public service and the things that we think we should assist.

**MR COCKS:** The impact of flexible work on—sorry, I am getting frustrated. I think I am asking pretty clearly about the impact of one thing on the other. Are you measuring the impact of flexible work?

**Ms Leigh:** On?

**MR COCKS:** On performance, as well as social dynamics and those issues?

**Ms Leigh:** That is why I said managers are held to account for delivering the outcomes they are responsible for. We already have performance measures in place. They do not change. People have always had some degree of flexible work. The fact that we have taken this to the next level is a development. It does not mean that all of the measures we previously had in place are somehow now irrelevant. They continue to be applied.

**Mr Barr:** Perhaps if it is helpful, we will take on notice the intent.

**MR COCKS:** That would be very useful.

**Mr Barr:** I understand the intent of the question and will provide some more detailed written information for you.

**MR BRADDOCK:** Regarding the flexible work hubs, how do you ensure the available space meets demand in each location across the city?

**Ms Leigh:** There is a booking system and there is a system so that people know where people are. You can see whether somebody is at work, so that you can get in touch with them. The seats are booked.

**MR BRADDOCK:** Is there a mechanism, though, where you can identify that there might be a large amount of demand and you need to increase the available space to help meet that?

**Ms Leigh:** At the moment, none of the areas can be extended, but we are certainly tracking the take-up and we will keep responding. We have been gradually rolling out more flexible workspaces. Now we have them pretty well across all areas of Canberra. We started with, I think, two, and they were clearly well-received. We knew we should keep going, and we have been extending them to, as I said, almost all areas of Canberra. We will continue to watch. We have information about the extent of use, and we will keep watching that and responding to it.

**Mr Barr:** Again, to perhaps save time, we will take on notice some elements of this to provide the committee with some further information on how that is working and the level of take-up.

**MS CARRICK:** You could look at Lovett Tower, because it is empty, in the middle of Woden. It has been empty for a long time.

**MR BRADDOCK:** Chief Minister, I want to ask about executive staffing budgets. Last year, you tabled a letter, dated 19 December, which stated that the salaries and wages for executive staff was \$8.25 million for the 2023-24 financial year. I am looking at the CMTEDD annual reports 2.2, page 18. It states for the same period as \$15.87 million for employee expenses. I am just trying to understand what the reason would be for the differences between one answer from the annual reports.

**Mr Barr:** I imagine they would include all of the on costs, superannuation and a range of other areas, but I will take that on notice for you.

**MR BRADDOCK:** Thank you for that. I have also noticed that the budget for executive staffing has increased a lot over the years. For example, back in 2018-19 when we had eight ministers, the budget was \$8.26 million, and now we are looking at above \$15 million, and we still have eight ministers now. So I am trying to understand why the increase and whether that is a wise use of public funds.

**Mr Barr:** I imagine there would have been several EBA rounds, and so wages and salaries would have increased. The executive budget would also include the salaries of the ministers themselves. There would be a range of reasons why it would grow every year. I think the FTE number has been reasonably consistent throughout. But, again, I do not have eight years of executive budget history in front of me, so I will take that on notice and provide some further information for you.

**MR BRADDOCK:** Thank you. Non-executive member salary allocations are all published in the OLA annual reports. I was wondering: should there not be, as a matter of principle, the same level of transparency applied across all members, regardless of whether they are from the executive and the non-executive, as to the publication of allocations?

**Mr Barr:** Given the fact that, effectively, that would be one number, because all

executive staff are under contract to me as Chief Minister but obviously they then work to a number of different ministers, or some work to all eight ministers and others work to a number of ministers, it would be incredibly time consuming to go minute by minute to attempt to associate their time to an individual minister. That is why it is done at an executive level across the eight ministers. The bulk of staff work to more than one minister. As an example, there would be one or two policy staff in my office whose work would exclusively be for my portfolios, but almost every other member of my staff would undertake, as part of their weekly task, work for other ministers or whole-of-government work. There would be staff in other executive members' offices, like the Treasurer's office or the Manager of Government Business office or the Attorney-General, who would be performing whole-of-government work as well.

There is a pooling arrangement for non-executive staff as well, and there would undoubtedly be staff within the four Greens members who would do work for more than one Greens member. That is certainly the case for the opposition, and it was the case when the Greens were part of the executive that the staffing structure there involved a chief of staff across three ministers and then staff in each of the ministerial offices and then some that did media across three different ministers. So it is very difficult to do that allocation per minister, but it certainly is done across the executive as a whole.

**MR BRADDOCK:** Thank you.

**MR COCKS:** I want to go to overspends in employee expenses in the public service. For example, CMTEDD reported a \$30 million increase in employee expenses, but this was alongside a 4.7 per cent decrease in staff. Can you explain what is happening there? Why have we seen an increase in employee expenses with a decrease in staff?

**Ms Leigh:** I think I would need to take that on notice, Mr Cocks. The decrease in staff would probably be a point in time for an annual report and during that financial year we had some changes. Some areas moved out of CMTEDD into another area. The staffing is the last day of the year normally; whereas, the expenditure would have been across the 12 months. That may explain it, but I would need to check for you.

**MR COCKS:** If you could. Could you also provide a breakdown of the specific factors that contributed to the increase in expenses? I am also interested in whether there were any redundancy payments related to any staff reductions during the period.

**Mr Barr:** We will take that on notice for you.

**MR COCKS:** Okay. I am also interested in how the costs are categorised, I guess, within the overall employee expenses figures and, if it was not just moving staff from one agency to another, what actually drove the reduction in staff numbers?

**Ms Leigh:** We will take that on notice. I think what I said is probably the answer, but I would rather check.

**MR COCKS:** Okay. On redundancies, have there been any redundancies outside of the senior executive across the public service?

**Ms Leigh:** I cannot tell you every detail. There has not been any significant major process of redundancies, but whether there have been individual ones—

**MR COCKS:** Perhaps on notice, you would be able to provide the number of redundancies offered in the reporting period?

**Ms Leigh:** Sure.

**Mr Barr:** Yes, we can do that.

**Ms Leigh:** We can do that.

**MR COCKS:** Thank you.

**MR EMERSON:** I have a question—and these might not be categories that are used—regarding the breakdown of the number of non-frontline public service staff compared to frontline staff across the ACT public service.

**Mr Barr:** The *State of the service report* would give a reasonably good sense. It would certainly categorise by agency and by role. You would then need to make some assumptions around what would be described as an administrative officer but may have a public-facing role. That would potentially be people working in Access Canberra call centres and those sorts of more public-facing roles. I think that is probably the best source, but there will always be a degree of interpretation as to what constitutes a frontline role. Sensible people could agree on most elements, but there may be some positions that someone would have an argument that, “Well, that is frontline,” and someone else would go, “Well, actually, it is not, because their interaction with the public is not every day,” for example, but it might be part of their job.

**MR EMERSON:** Maybe the directorate would be able to provide it. I am wary of using my own interpretation of what might be “front line”.

**Mr Barr:** We will see what we can do.

**MR EMERSON:** I understand it is going to be a rough estimate.

**Mr Barr:** But I would definitely point to the *State of the service report* as giving a very good snapshot by agency, by employment, EBA, employment category and those sorts of datasets. Robert, do you want to add to that?

**Mr Wright:** Yes. Our largest directorates within the ACT public service are ones in which the majority of the staff are frontline staff. Canberra Health Services and the Education Directorate are our largest directorates, and they have significant numbers of frontline staff. The next largest agency is much smaller than that.

**MR EMERSON:** A rough breakdown of numbers on notice would be fantastic but also a salary breakdown, which I imagine would be—

**Mr Barr:** That is in the *State of the service report*.

**MR EMERSON:** Okay. On the frontline versus non-frontline staff—I know we are using loose terms—how much does that overlap? Does that overlap directly with essential versus non-essential staff, which we have heard about in the context of the hiring freeze? We have heard about one in the contracts of machinery of government changes and a different set of terms in relation to the pause on hiring new staff.

**Mr Barr:** Certainly the process we are engaging with now is one of seeking directorates to live within their existing budgets and to make recruitment decisions that reflect their current budget allocations. In most instances, that means no real impact for them, because any recruitment that they would undertake would be within their existing budget. Where we are seeking management decisions, advice to ministers is where an agency is running over its stated budget and needs to make employment decisions, recruitment decisions. We want to have some input into that, have that process underway and make some decisions that manifest themselves in the second appropriation bill that go specifically to essential and non-essential in that sense. So anything that is in that bill and the positions that are funded there are essential. In other areas, there will obviously need to be a degree of discretion exercised by directors-general and executive branch managers on whether, in fact, they have the budget to recruit. So what we are definitely seeking to stop is agencies overrunning their budget with non-essential staff.

**MR EMERSON:** So the assumption is that if you are currently hired, you are essential, if we are talking about the existing footprint. But, unless you are on a contracts arrangement or something like that, you might not be extended as a consequence.

**Mr Barr:** If the agency has a budget for those staff and someone leaves, for whatever reason, and there is a vacancy and the agency has available budget to recruit, they can recruit. But that decision would need to be elevated to a more senior level to absolutely confirm that they have that budget. In some instances, they will not have that budget, and they should not recruit.

**MR EMERSON:** Does this affect any targets, for instance, in terms of employment of people with disability? The public service had announced a target of nine per cent for employing people with disability. I am kind of curious of where we are up to on that target and how that has evolved over time. I am wary of going to every single directorate and asking the question, but I would love to get an ACTPS-wide picture and also whether this affects those sorts of targets and goals.

**Mr Barr:** The *State of the service report* reports on that annually. Whilst I am talking, someone will load that up and be able to give you the data from the most recent *State of the service report*. In terms of the intent of living within our budgets, that should not impact on any of those targets. But, obviously, if an agency is running over budget, they will not be able to recruit additional staff, because they do not have a budget for it. If they wish to recruit additional staff, they need to come through the budget process and have money appropriated for that purpose. That, therefore, is a decision that would need to be taken in the budget. What we are seeking to avoid is agencies running over their appropriations.

**Mr Wright:** People with a disability represent 2.9 per cent of the total workforce. As the Chief Minister mentioned, that is in the *State of service report*. We are working to

increase that number. You asked about the recruitment pause and guidelines for that. We are very cognisant that that is an area of exemption within that recruitment pause. We are cognisant that it should not negatively impact Aboriginal and Torres Strait Islanders, people with disability and other similar groups.

**Ms Leigh:** I might just had a couple of comments, if I may. We have increased that representation since the previous year. We still want to go further, but we are heading in the right direction.

**MR EMERSON:** Do you have off the top of your head—or at the other end of Google—what the number was last time?

**Ms Leigh:** The increase is 4.7 per cent from last year, over last year.

**MR EMERSON:** Okay.

**Ms Leigh:** As I say, we still want to do better, but we are heading in the right direction. The other thing I would say is that, interestingly, in our senior executive service, the representation is much higher than in the general service. The positive about that is that I think that is a sign to the whole service that we are an inclusive service, and I think that will help with encouraging people to feel comfortable to apply for jobs here in the future.

The other point I would make, which is both positive and troubling, is that, when we do anonymous surveys, we get much higher percentage reporting of disability than we get against the payroll figures, which are what we use for reporting. The reason I say it is troubling is because I wonder whether people are concerned about declaring. When I talk to people, the other reason that I find that people do not declare is they say, “Oh, well, it is not stopping me doing my job,” which is an important issue in terms of the support we provide but it is not the only issue. Whether something directly gets in the way of doing your job is not the whole picture. We are like the community here: when you look at us, you should know that we are an inclusive workforce.

**MR EMERSON:** But there is still a concern that they will be discriminated against through the hiring process. It is probably a reasonable assumption.

**Ms Leigh:** It is still a question that I have been asking: why is this the case? I am just sharing all of the things that are on my mind about this issue.

**Mr Wright:** I can confirm that is an area of exemption in the recruitment guidelines.

**MR EMERSON:** We are at 2.9 per cent and the target is nine per cent. Is there a timeline for that?

**Mr Young:** I acknowledge and will comply with the privilege statement. That nine per cent target is a target that has been implemented under the ACT Disability Strategy. The time period for that strategy is 2024 through to 2033. The question around whether specific deliverable dates within that period should be set for the nine per cent is still an open question that is being consulted across the service. But, to elaborate on the point the Head of Service made, that three per cent figure that you mentioned is the

current state is less than half. I think that the self-identified number of staff participating in the whole-of-government survey sits at seven per cent. We are also grappling with the question of which data should be used to report against that nine per cent target. That is something we will be actively engaged on with directorates over the next six months or so.

**MR EMERSON:** There would be some consternation, I think, if we reached the target by virtue of changing the measurement, despite what I understand are sensible concerns.

**THE CHAIR:** Thank you, Mr Emerson. Mr Cocks, would you like my substantive?

**MR COCKS:** I do have a quick supplementary on that line. I have been waiting for a while.

**THE CHAIR:** No; he had 10 minutes. He spent his 10 minutes—and, congratulations, Mr Emerson.

**MR COCKS:** Perhaps I can come back to it at the end then. Chief Minister, you have made some statements, reported in the media, that the government feels “let down by areas of the public service”. That sentiment was echoed at various stages of the last term of government by some of your ministers, who seemed to blame the public servants rather than taking responsibility themselves. Also, the public accounts committee made some pretty strong recommendations and observations around ministerial accountability last term. Where is the line, as far as you are concerned? When is it okay for ministers to put the blame with the public servants and when should they take responsibility themselves?

**Mr Barr:** Circumstances will vary. There will be instances where there is a very clear legal responsibility that sits with either a minister, a public servant or an independent official. There will be examples in that context. There will be areas where there may be shared responsibility and there are areas where it is quite clearly and solely, by virtue of either historical precedent or, I guess, public interest, that the responsibility would sit solely with a minister. The areas that are quite strict in terms of legal responsibility and decision-making are pretty clear in legislation. They cover things as diverse as independent decision-makers in relation to planning development applications through to responsibilities around child protection. There are a number of areas. Again, I could spend the rest of the hearing endeavouring to list them from memory, but I will not. Suffice to say that there are examples in that category that are very clear.

There are examples where there will be arguments as to whether a ministerial directive was not followed or a ministerial directive was inappropriate and was followed. The Integrity Commission would certainly have a role to play in the latter if an inappropriate ministerial direction was made. The examples that I was referring to in my public statements principally lay in areas where there was not ministerial responsibility for decision-making and where particular procurements—or, in the case of the former Chief Executive of the Canberra Institute of Technology, there was a formal process and a determination made by the Integrity Commission. It really would be a massive political overreach—but it was one that your party tried before the election—to suggest that that was a ministerial issue. It clearly was not, and the Integrity Commission found that quite categorically in their report.



**MR COCKS:** Would you expect your ministers to be sufficiently across things like procurement to be able to intervene before you reach the sorts of critical problems that we have seen in a number of projects?

**Mr Barr:** Legally, they are not allowed to intervene.

**MR COCKS:** I am not talking legally; I am talking about your expectation of your ministers.

**Mr Barr:** I would be more concerned if a minister was seeking to break the law and intervene in a procurement process than I would be in them remaining at arm's length. What tends to get ministers in other jurisdictions into trouble is when they seek to alter the course of a procurement process or an outcome that they have no legal responsibility for. Probably the greatest area of ministerial failure in the history of the Australian Federation is trying to insert themselves into independent processes, often goaded by the opposition to do so. Something I would drum into ministers is that you must operate within the law, within the Ministerial Code of Conduct and within acceptable standards for what the community would expect ministers to do. To really push the point, I would prefer a minister not to be aware of something than for a minister to be actively involved in something they should not be.

**MR COCKS:** What is the protocol for ministers being made aware when something is going on?

**Mr Barr:** It will depend on what that something is.

**MR COCKS:** So there is no one-size-fits-all?

**Mr Barr:** Obviously not, because there are reporting mechanisms that involve, amongst other things, various statutory office holders from the Integrity Commission at the more extreme end through to public interest disclosures and reporting to senior executive members of the public service. There is a whole range of mandatory reporting responsibilities that sit in different areas of public administration. Adherence to the law is important, and I do note that, more often than not, political calls are made—and I know why—of ministers to break the law. There would have been a dozen examples in the last Assembly. We have already had one or two where ministers were told they should have intervened in a matter that they have no legal right to intervene in—procurement being one of them.

**MR COCKS:** Can I go back to the supplementary I wanted to ask before?

**THE CHAIR:** Is that in the area?

**MR COCKS:** It is the area that was being discussed in the—

**Mr Barr:** I will happily take the question, Chair.

**THE CHAIR:** Sure, Mr Cocks. You have two minutes.

**MR COCKS:** Thank you. In terms of public service overspends on public service employment, at what stage does an agency determine that they are on track to overspend on public service employment? What are the measures that they have to take in order to spend more than that allocation?

**Mr Barr:** There are principally two main reporting periods, being half yearly and end of financial year. Agencies would, depending on the nature of their program, usually become aware of demand-driven activity ahead of those reporting periods. But, generally speaking, data that is collected on a quarterly basis would not be available until well into the second quarter for the first quarter and after the completion of the half year for the half-year impact.

**MR COCKS:** Is there no ongoing monitoring of where an agency sits with their current employment numbers and predicted budget?

**Mr Barr:** It will, of course, depend on the intersection of any new initiatives versus ceasing initiatives and the timing of the passage of the appropriation bills. For example, for this current financial year, the appropriation bills did not pass until 4 September and then were not then effectively proclaimed and legislated—

**MR COCKS:** Of course, they were before the Assembly well before that.

**Mr Barr:** Yes. But, legally, agencies cannot spend money that has not passed the Assembly. Just the presentation of the bill does not authorise expenditure. There is a supply provision, and agencies can operate within the supply provision up until the point that the budget is passed. But the money does not become available until the appropriation bill is through the Assembly. So, often, commencement of new initiatives will be delayed until the appropriation bills are passed.

**MS CARRICK:** The matters listed in this session have infrastructure policy frameworks and coordination of infrastructure planning. When something does come through from the outlying parts of Canberra, from the districts, what is your involvement in the coordination of that infrastructure planning?

**Mr Barr:** Principally, through the expenditure review committee. When we get advice from Infrastructure Canberra, that would inform the briefing to me as chair of the expenditure review committee.

**MS CARRICK:** So there is no consideration of the pipeline before it gets to the ERC?

**Mr Barr:** That is published in the infrastructure plan. So there is a 10-year pipeline.

**MS CARRICK:** Thank you.

**MR BRADDOCK:** With respect to integrity policy, I would like to know what the government's plan is for the outstanding recommendations from the Govey review into the Integrity Commission. How do you plan to address those?

**Mr Barr:** We will begin their implementation, and the process for that will be through the budget business case. Some have resource implications; others do not. So we will

seek to progressively implement them over this term as resources are available.

**MR BRADDOCK:** An issue that seems to appear, at least in one report—and I have heard of one other instance—is where the potential subjects of inquiry have not been able to attend due to medical wellbeing purposes. Is there any plan to address the legislation in terms of how to ensure that we provide fair justice but also respect the health and wellbeing of the potential subjects?

**Mr Barr:** There certainly will be some further legislative amendment to the act. We passed the tranche of reform pre the election and then indicated that there would be a subsequent amendment bill. Undoubtedly, once that is produced, I am sure the oversight committee will have some interest in that. We do have a specific committee looking at those questions. So that will come forward to them for consideration once that bill is prepared.

**MR BRADDOCK:** Is the government examining that question or that issue?

**Mr Barr:** We certainly will as part of that, plus a number of other issues.

**MR BRADDOCK:** Thank you.

**MS CARRICK:** This is about integrity. There is a code of conduct that talks about the conflict of interest, but where does it say in the legislative framework that the government should consider the best interests of all Canberrans when they are making a decision as opposed to a small part or a developer or some other interest group? Is there anything in the framework that says the government should consider the best interests of all Canberrans?

**Mr Barr:** I will take that on notice and provide that, unless you have—

**Ms Leigh:** I was simply going to say the public service is there to implement the priority set by the government of the day, and the government of the day is, of course, elected by the community and will therefore be seeking to implement whatever commitments it made during that elected campaign. So the public service will follow the commitments that the government of the day has made.

**MS CARRICK:** Fair enough. But, as decisions are made, when the government are in and they are making decisions, perhaps there should be something where they look at the interests of all Canberrans. For example, there was a change to the Territory Plan for the Phillip Pool that the community feel was not in their best interest but in the developer's interest. So my question is: is there anything in the Legislative Assembly's or the government's framework that says the government should look at the best interests of the community when making decisions?

**Mr Barr:** I will take that on notice for you.

**MS CARRICK:** Thank you. I have a question on the Wellbeing Framework. Are the outcomes of the Wellbeing Framework available by district? How do you assess it where you may have some wellbeing issues? For example, in the health report, it said that the self-reporting for mental health was low. Referring to the percentage of ACT

adults who self-report their mental health as very good or excellent, it says that the target was 60 per cent but the actual was 51 per cent. Presumably, that has something to do with the Wellbeing Framework. Can you report by different parts of Canberra?

**Mr Barr:** Some datasets would have that level of granularity, sometimes even by census collection district level.

**MS CARRICK:** Is that available to—

**Mr Barr:** Yes; it is on the ABS website in terms of data by statistical local area. In some instances, datasets are collected at a whole-of-territory level. There might be some that are even done by federal electorate.

**MS CARRICK:** But, when you are talking about the ACT government's Wellbeing Framework, how—

**Mr Barr:** Most of our data sources are from national collection. We do not seek to duplicate the ABS process for much of the data. There are some where we do our own data collection, but we do not have the budget or resources to undertake a shadow census. We do rely on the ABS data for many of the datasets in the Wellbeing Framework.

**MS CARRICK:** Thank you.

**THE CHAIR:** On behalf of the committee, we would like to thank you, Chief Minister, and officials for your attendance today. There have been some questions on notice. Please provide your answers to the committee secretary within five business days of receiving the uncorrected proof of *Hansard*. Thank you very much. Have a good afternoon.

**The committee adjourned at 3.24 pm.**