

Document Category: Ministerial Briefs

Title of document: Special Minister of State Question Time Briefs February 2021

Description of the information:

These Question Time Briefs contain some information the release of which would be contrary to the public interest. This information includes legal advice that is protected by legal privilege as well as commercial in confidence arrangements between the ACT Government and event organisers, specifically the site hire fees and cancellation fees. This information is not available for the reasons outlined below.

Decision

I have decided to redact some of the information contained in these Question Time Briefs. This decision has been made under sections 24(2)(b) and (c) of the *Freedom of Information Act 2016 (FOI Act)* on the basis that it is contrary to the public interest to disclose.

Statement of reasons

In reaching my access decision, I have taken the FOI Act into account:

Sections 24(2)(b) and (c) allow for the Decision to be withheld on the basis that:

- the disclosure would, on balance, be contrary to the public interest under the test set out in section 17.

Public Interest Test – Section 17

The FOI Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process, I must consider factors favouring disclosure and nondisclosure.

Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and schedule 2 of the Act.

Factors favouring disclosure (Schedule 2 section 2.1)

Taking into consideration the information contained in the Question Time Briefs, I have identified that the following public interest factors in favour of disclosure are relevant to determine if release of the information is within the ‘public interest’:

(a) disclosure of the information could reasonably be expected to do the following:

- (i) promote open discussion of public affairs and enhance the government’s accountability.*
- (ii) contribute to positive and informed debate on important issues or matters of public interest.*

I consider that release of the Question Time Briefs may contribute to open discussion of public affairs and enhance the government’s accountability and contribute to informed debate on matters of public interest. I consider there is a public interest in the subject of these briefs, and I am satisfied that its release would increase transparency and accountability of the government.

Factors favouring non-disclosure (Schedule 2 section 2.2)

As required in the public interest test set out in section 17 of the Act, I have also identified the following public interest factors in favour of nondisclosure that I believe are relevant to determine if release of the information is within the 'public interest':

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
 - (xi) *prejudice trade secrets, business affairs or research of an agency or person.*
- (b) *the information—*
 - (ii) *would be privileged from production in a legal proceeding on the ground of legal professional privilege.*

Having reviewed the Question Time Briefs and noting the matters that are covered, I am satisfied that the release of the redacted information relating to the legal advice as well as site hire fees and cancellation fees could reasonably be expected to prejudice the business affairs of the organisations. This factor carries significant weight when considered against the factors in favour of disclosure.

Having applied the test outlined in sections 17 of the Act, I have decided to release the Question Time Briefs with some information redacted. On balance, the majority of the information in the Question Time Briefs should be released, however I consider the information on the legal advice, site hire fees and cancellation fees is contrary to the public interest information.

Authorised By:



Heather Johnston
Information Officer

12 March 2026

Special Minister of State
Question Time Briefs
February 2021

Ref No	Page number	Title	Status	Reason for Exemption
1	4	Human Resources Information Management Solution	Full	n/a
2	6	Junior Medical Officers – Pay Review	Partial	Sch2.2(b)(ii)
3	8	Manuka Oval Hail Damage and Light Tower Rectifications	Full	n/a
4	9	Manuka Oval Rectifications – Northern Camera Deck	Full	n/a
5	10	Venues Canberra Financial Position – Return to Events	Full	n/a
6	11	EPIC Expansion – Election Commitment LAB 056	Full	n/a
7	13	Summernats	Partial	Sch2.2(a)(xi)
8	14	Royal National Capital Agricultural Society (RNCAS) Support	Partial	Sch2.2(a)(xi)
9	15	2020-21 Venue Hire Agreements – Cricket Australia and Cricket NSW	Full	n/a
10	16	2021 Venue Hire Agreements – Raiders, Brumbies and GWS Giants	Full	n/a
11	17	National Arboretum Canberra – Master Plan Update	Full	n/a
12	19	Stromlo Forest Park – Master Plan Update	Full	n/a
13	21	Government Procurement (Charter of Procurement Values) Direction 2020	Full	n/a
14	23	Conflict of Interest in Procurement Processes	Full	n/a

This information is released under Section 23(a)(i) of the *Freedom of Information Act 2016* which requires the release of specified documents over five years old. Due to the age of the information being released it may not reflect current legislation or Government policy and phone numbers and webpages mentioned may not still be current.

Portfolio/s: Special Minister of State

Human Resources Information Management Solution

Key Information

- The Human Resource Information Management Solution (HRIMS) will provide an integrated payroll and human resource management solution for the ACT Government workforce; streamlined and harmonised business processes including:
 - talent planning and strategy;
 - recruitment;
 - learning and development;
 - performance management;
 - career planning; and
 - payroll and HR analytics and reporting.
- The Program has entered into the Verify Phase (Test) via with the commencement of Integration Testing in late 2020. Preparations for the commencement of user acceptance testing are progressing with a view to commence user acceptance testing of the solution in early February 2020.
- Based on the current schedule and planning, implementation of Release 1 is planned to occur towards the end of the first half of 2021.
- The implementation of HRIMS will occur in a phased approach. The proposed scope for each release is as follows:
 - Release 1 – Payroll, Core HR, Absence, Time & Attendance, Recruitment and On Boarding;
 - Release 2 - Learning & Development, Performance Management; and
 - Release 3 – Workforce Planning, Career Planning, Succession Planning, Health & Wellbeing.
- The HRIMS Program is aligned and consistent with the ACT Government’s long-term strategic interests in leading digital transition in Canberra and supporting a more agile Public Service.
- A major benefit of the HRIMS will be the increased accuracy and efficiency in reporting. It will allow for the prediction of future trends and in-depth analysis of the workforce, and have the agility to produce multiple internal and external workforce reports with deeper insights.

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Lead Directorate: Chief Minister, Treasury and Economic Development
TRIM Ref: CMTEDD2021/211

- HRIMS will be a key capability for the ACT Public Service to deliver the Government's workforce priorities.

Background Information

- In the 2017-18 budget process, funding was approved to procure a new HRIMS for the Territory. The program of work was designed with a two stage Cabinet approval process acknowledging the potential costs risks associated with HRIMS programs of this scale and complexity. Supplementary capital funding of \$56.1 million to provide the comprehensive whole of government Payroll and Human Capital Management (HCM) solution was provided in the 2018-19 budget process combining with exploratory funding to be a total investment of \$68.725 million.
- The HRIMS procurement process was concluded in April 2019 and resulted in the selection of Ernst and Young as the implementation partner and SAP SuccessFactors as the preferred product.
- The solution will also enable:
 - an end-to-end understanding of the employee life cycle;
 - staff to have an integrated view of their careers and understand the linkages between different areas (e.g. performance and recognition);
 - upskilling of the HR function in the Territory to provide more value-added HR business partner services to the business; and
 - workforce planning, succession, mobility, and the use of a single competency framework across agencies.

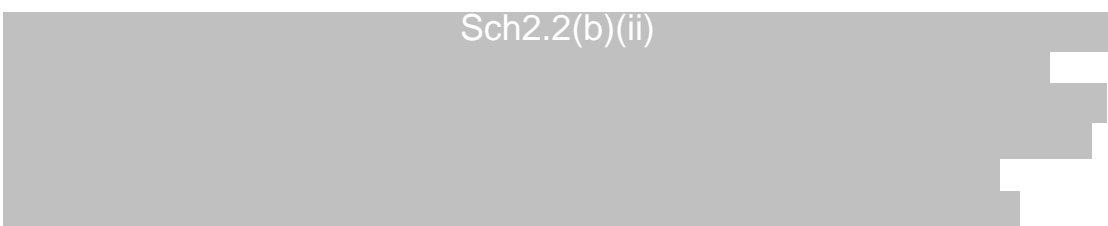
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Portfolio/s: Special Minister of State**Junior Medical Officers – Pay Review****Key Information**

- On 28 June 2020, a Resident Medical Officer with Canberra Health Services (CHS) submitted a report relating to Junior Medical Officer (JMO) penalty and overtime pay rates to the Director of the Medical Officer Support, Credentialing, Employment and Training Unit (MOSCETU) within CHS. The report included the results of an informal pay audit conducted by the Resident Medical Officer that focussed on the payment of the public holiday shifts over the Easter long weekend in 2020. On 20 August 2020 and 27 August 2020 the former MLA Vicki Dunne raised similar issues regarding JMO's pay and conditions in the ACT Legislative Assembly.
 - This issue has been resolved through development and use of an Excel tool , a comprehensive review of JMO entitlements under the Medical Practitioner's Enterprise Agreement (MPEA) in conjunction with CHS(as the lead agency) and rectification of issues discovered in that review.
- An historical issue around the configuration of the accrual rules for Accrued Days Off (ADO's) has been raised. ADO accruals were configured in the Chris21 payroll system on 6 December 2006 prior to the establishment of Shared Services.
 - This has been resolved prospectively through adjustment of the configuration in the Chris 21 (Territory's pay system) from 28 february 2021.
 - Retrospective adjustments will take place based on advice from CHS and will be prioritised.
- Shared Services will commence a broader review of the JMO provisions with CHS to confirm the assumptions and configuration of the Chris21 payroll system.

Background Information

- The Enterprise Agreement's are negotiated and managed by CHS, the interpretation and intent of Enterprise Agreement clauses are then articulated to Shared Services to operationalise.
- On 17 September 2020, Hall Payne Lawyers, representing the Australian Medical Association ACT and a number of CHS employees, provided formal notification of a dispute in accordance with clause 125 of the MPEA.

-  Sch2.2(b)(ii)

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Sch2.2(b)(ii)

- The Minister for Health has previously responded to the question raised by the former MLA Vicki Dunne.

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Portfolio/s: Special Minister of State

Manuka Oval Hail Damage and Light Tower Rectifications

Talking points:

- Manuka Oval suffered substantial hail damage from the January 2020 storms and a claim is currently open with the ACT Insurance Authority (ACTIA). Damage occurred to seating, trees, vehicles and the light towers.
- In June 2020, scheduled thermal testing of the light towers was conducted. During these tests it was identified that an ignitor box had been damaged and severely compromised light fittings.
- An electrical company, Martin Donnelly, was engaged to visually investigate and document damage on light tower head frames and fixtures and noted a large percentage of fittings had sustained hail damage.
- The Territory's underwriters have accepted the storm event caused the damage to the light towers and Venues Canberra are working with the underwriters and contractors to expedite the completion of works.

Key Information

- ACTIA approved the replacement of conduits to the towers, replacement of 169 igniter boxes and 311 light fittings.
- Martin Donnelly has completed the replacement of conduits and the damaged igniter boxes for all six towers.

Background Information

- Works on the light towers have not impacted the use of Manuka Oval for events.
- A public tender will go out for the remaining igniter boxes and 311 light fittings. The light fittings are not readily available and have a lead in time of 12-18 weeks.

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Portfolio/s: Special Minister of State

Manuka Oval Rectifications – Northern Camera Deck

Talking points:

- The Territory entered into a contract with Kane Constructions Pty Ltd (the Contractor) through Major Projects Canberra (MPC) on 21 March 2019 for the design and construction of five new roof modules and a northern camera deck at Manuka Oval for the enhancement of spectator amenity and functionality of the oval.
- Following construction of the camera deck, key stakeholders raised concerns regarding the amount of movement in the deck. A long lens camera was used to test the stability of the camera deck and the footage was provided to NEP Group, broadcast overlay provider for Cricket Australia and AFL, for comment. NEP confirmed that the movement witnessed in the footage would impact International Cricket Council score review decision making and therefore needed to be further reduced.
- MPC has resolved with the Contractor, key issues regarding deflection and operational requirements.
- The northern camera deck has been successfully utilised for all cricket content at Manuka Oval in December 2020 and January 2021.

Key Information

- A defect notice was issued to the contractor. The defects have been rectified and the matter remains for contractual resolution between the Territory and the Contractor. ACT Government Solicitor are providing advice.
- The Certificate of Occupancy for the camera deck was received on 25 November 2020.

Background Information

- The total cost of the project is \$2.69 million. The construction contract was awarded to the Contractor for \$1,917,627.
- MPC is managing the project on behalf of Venues Canberra.

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Portfolio/s: Special Minister of State

Venues Canberra Financial Position – return to events

Talking points:

- Due to ongoing health directions and the accommodating of various government initiatives, Venues Canberra has been unable to host its normal calendar of events.
- EPIC has not hosted any major events and GIO Stadium has only hosted event days with dramatically reduced capacities.
- Manuka Oval has hosted 15 cricket matches since the start of December 2020, (12 with a limit of 65% capacity, and 3 with a limit of 75% capacity).
- This has resulted in a significant reduction in commercial revenue streams such as catering, ticketing, pourage, signage, sponsorship, hospitality, corporate functions and equipment rental.
- The estimated negative financial impact of COVID restrictions on Venues Canberra for the period July 2020 – June 2021 is \$3.729 million.

Key Information

- Venues Canberra provided information to the Treasury COVID-19 omnibus cabinet submission seeking financial support to cover the potential negative financial impact.
- Venues Canberra have received notification that Treasury approved funding of \$3.729 million to meet the forgone revenue for the 2020-21 financial year.

Background Information

- At the end of the 2019-20 financial year, Venues Canberra received a Treasurer's Advance (TA) for \$2.5 million.
- This amount was for the period 17 March 2020 to 30 June 2020 and covered the net loss of cancelled events, downturn in functions and camping and reduction in rent.

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Portfolio/s: Special Minister of State

EPIC Expansion – Election Commitment LAB 056

Talking points:

- An election commitment to invest \$21 million to build a new 10,000m² indoor venue at Exhibition Park in Canberra (EPIC) was announced. The venue will cater for large multicultural and private events and accommodate around 1,500 people (non-pandemic) standing events and 1,000 people seated events.
- The need for a large venue has been identified by Canberra’s multicultural community for events that exceed the capacity of the Theo Notaras Multicultural Function Room.
- Venues Canberra will work with the Community Services Directorate (CSD), Economic Development and stakeholders to consult on design and usage arrangements of the venue.
- As per the election commitment, design work and construction is to be commenced within the next term of Government. The indicative time frame for completion is three years.

Key Information

- As part of the 2020-2021 budget process, Venues Canberra put forward a business case for a feasibility study into the redevelopment of EPIC. All options within the business case included a 10,000 m² indoor venue. The business case was withdrawn due to the implications of COVID.
- Venues Canberra will complete by early February 2021, an internal options analysis to investigate potential sites for a new 10,000m² indoor venue at EPIC.
- Two options will be covered:
 - Investigate the site identified by Lockbridge in their report for a 10,000m² facility; and
 - Investigate other potential sites within the EPIC precinct for the multipurpose facility, noting considerations for future land divestment and the possible siting of a Rectangular Stadium.
- Once this analysis is complete, a Ministerial brief on the outcome will be finalised.
- An outstanding commitment from the 9th Assembly is to explore the feasibility of a large scale venue suitable for hosting large scale multicultural and other community events at EPIC. This was included as part of the business case.

Background Information

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- Venues Canberra, as requested by Environment, Planning and Sustainable Development Directorate (EPSDD) as part of the “South East Gungahlin Strategic Planning Analysis”, commissioned the EPIC Operational Needs Analysis (ONA) which was undertaken by Lockbridge. The ONA captures the current and future user requirements of the site and known site constraints.
- Venues Canberra has contacted CSD to identify their needs and will work together to meet these needs in the short term and to promote those resources to recognised multicultural and community groups.

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Portfolio/s: Special Minister of State

Summernats

Talking points:

- Summernats holds a festival early January annually and is under a Venue Hire Agreement (VHA) with Venues Canberra to hold the event at Exhibition Park in Canberra (EPIC) for the period 2020-2023.
- On 30 September 2020, Summernats publically announced that the 2021 event would be postponed until 2022.
- Summernats had proposed to deliver a smaller event at EPIC in March 2021 on the Canberra Day long weekend.
- Summernats publically announced on 14 January 2021 that the “Rev Rock ‘N’ Roll” would be cancelled.
- This was due to recent COVID outbreaks in Sydney and continued uncertainty around borders. The event would have seen an influx of travellers from Sydney.
- The whole of site hire fee for 2021 was to be **Sch2.2(a)(xi)**. This foregone revenue was factored into the financial impact that Venues Canberra provided to the COVID omnibus submission.
- The VHA allows for cancellation fees to be charged. However, Venues Canberra, after receiving confirmation from the ACT Government Solicitor, have waived cancellation fees.

Key Information

- The Territory has foregone **Sch2.2(a)(xi)** in waived cancellation fees. This is **Sch2.2(a)(xi)** as outlined in the VHA.
- The Territory has not and is unlikely to incur any liabilities related to the 2021 Summernats event. EPIC has not received any enquiry from a third party for hire of the licensed area.

Background Information

- Summernats is a major economic driver for the Canberra region. A recent report commissioned by Economic Development, CMTEDD, shows the event brings to the Territory approximately \$28.5 million in direct expenditure with an additional \$3.4 million spent on cars in the Territory. The economic benefit to the Territory has increased by nearly \$8 million in four years.
- The future of Summernats in Canberra, and efforts by the ACT Government to retain the event in the nation’s capital, is likely to be subject to both public and media interest.

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Portfolio/s: Special Minister of State

Royal National Capital Agricultural Society (RNCAS) Support

Talking points:

- RNCAS wrote to the Territory on 9 September 2020 seeking an urgent meeting, noting their financial position. Due to caretaker, the Territory has had meetings with RNCAS and agreement has been reached to defer repayments of outstanding debts to Venues Canberra until March 2021.
- The letter from Mr Rick Jones, President RNCAS to the Chief Minister's Office, noted that if the Territory were to call in this debt, RNCAS would be unable to continue trading.

Key Information

- On 15 December 2020, RNCAS announced that the 2021 Royal Canberra Show would not operate due to COVID-19 restrictions. Instead, cattle and dog events with less than 500 patrons will go ahead on the designated weekend.
- The ACT Government has announced an extension of the rent relief scheme for community and commercial tenants of ACT Government properties that are severely impacted by COVID-19. Severely impacted is described as unable to operate or a reduction of income of 50%.
- RNCAS will apply for a rent relief waiver for the period January – June 2021. If RNCAS are found to be severely affected by COVID-19, the Territory will forego [Sch2.2\(a\)\(xi\)](#) in licence fees.
- As part of the ACT Government's stimulus package to support community and not for profit organisations, RNCAS received a waiver of their annual licence fee for the period April – December 2020.

Background Information

- For out years, any new model for the Royal Canberra Show may result in changes to RNCAS's annual fee.
- The deferral of repayments from RNCAS to Venues Canberra until March 2021 may result in cash flow issues for Venues Canberra. However, Venues Canberra has been advised that funding of \$3.729 million will be forthcoming from the Treasury led COVID-19 omnibus cabinet submission.

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Portfolio/s: Special Minister of State

2020-21 Venue Hire Agreements – Cricket Australia and Cricket NSW

Talking points:

- Due to the impact of COVID-19, the Territory through Economic Development (ED) entered into a one year Commercial Venue Hire Agreement (VHA) for international and domestic cricket content at Manuka Oval for season 2020-21, rather than the multiyear (six years) Strategic Collaboration Deed (SCD) initially proposed.
- Under the agreement Cricket Australia/Cricket NSW have held two international matches in December 2020, and 13 Big Bash League (BBL) matches between December 2020 – February 2021.
- The previous model saw the Territory cover all event related expenses but receive ticketing, catering, pourage and hospitality revenue.
- The amended model in the 2020-2021 agreement is for the hirer to meet costs relating to event operations and production and the hirer retain ticketing and hospitality.

Key Information

- Under this model, Venues Canberra is required to cover expenses relating to toilet hire and servicing, the procurement of a screen, site screen installation costs, venue staff overtime and operational costs for Cricket ACT.
- Venues Canberra has generated income from venue hire, catering revenue and pourage rights.
- The Territory continues to work closely with Cricket Australia, Cricket NSW, the Sydney Thunder and Cricket ACT in relation to the agreement and content to be played at Manuka Oval.

Background Information

- COVID venue thresholds were at 65% seated capacity at Manuka Oval. This is a capacity of 5,000 patrons, although most matches have had crowds of approximately 4,000 patrons. In late January 2021 an exemption was provided by ACT Health for the capacity to be increased to 75%.
- ACT Government Solicitor were involved in the discussions with Cricket Australia and have drafted and amended the VHA as additional cricket content was secured.

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Portfolio/s: Special Minister of State**2021 Venue Hire Agreements – Raiders, Brumbies and GWS Giants****Talking points:**

- The Canberra Raiders Venue Hire Agreement (VHA) for GIO Stadium expired on 31 December 2019.
- The Brumbies VHA GIO Stadium expired on 30 September 2020.
- The GWS Giants VHA for Manuka Oval, linked to the Long Form Agreement (managed by Sport and Recreation), expired on 30 November 2019.
- The Raiders and the Brumbies played matches at GIO Stadium in 2020 under a revised “COVID” specific venue agreement.

Key Information

- VHA’s are the mechanism that details the operational and sharing of commercial rights for both Venues Canberra and the hirer.
- Any significant changes to the current VHA’s will impact the own source revenue that Venues Canberra generates.
- Venues Canberra cannot absorb commercial impacts which reduce financial returns but would be open to negotiation around growth strategies and trading of assets including consideration of pourage rights, signage and corporate hospitality. Any loss of revenue would need to be offset by Government.
- Economic Development and Venues Canberra are proposing 12 month agreements for Raiders and Brumbies and a 24 month agreement for the GWS Giants aligning with their respective Performance Fee Agreement.
- Draft agreements for Brumbies and Giants have been prepared by the ACT Government Solicitor.

Background Information

- VHA’s need to be in place for matches returning to our venues in February 2021.
- There is often significant media attention related to the AFL, Giants, NRL, Raiders, Super Rugby and the Brumbies and it is anticipated there will be media interest until negotiations conclude.

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Portfolio/s: Special Minister of State**National Arboretum Canberra – Master Plan Update****Talking points:**

- The National Arboretum Canberra’s Master Plan was endorsed by Cabinet in 2018.
- The Master Plan was prepared to identify the key projects and infrastructure to be undertaken on site over the coming decade.
- Key upgrades and a long-term vision are necessary to address higher than expected visitor numbers and ensure that the facilities can meet the future growing demand.

Key Information

- The Master Plan focuses on three key areas: future proofing, visitor experience and commercial opportunities.
- Recently completed projects under the 2018 Master Plan include the construction of the overflow carpark providing an additional 500 parking spaces on site, upgrades to the Horticultural depot, new tracks and trails, feasibility study into a permanent amphitheatre stage, and amendment to the National Capital Plan to allow the establishment of an Eco-lodge retreat (Boutique Accommodation) in Forest 69 and 76.
- A Better Infrastructure Review project is currently being undertaken to expand on the 2018 Master Plan, and to establish the most efficient use of the existing built environment at the Arboretum through dedicated investigation across several key projects.
- The projects being reviewed include upgrades to key building and infrastructure works including an expansion of the Village Centre, expanded Bonsai and Penjing Collection, new educational facilities, new Iconic Restaurant at the Margaret Whitlam Pavilion, and a permanent administration building. The outcome of this project will provide a feasibility study, design work and preliminary cost estimates to upgrade current buildings and infrastructure on site.
- An Election Commitment by Labor (LAB063) has been made to the Arboretum to progress another initiative in the Master Plan, which is the internal Roads and Parking strategy. This commitment would see a \$2.185 million investment at the Arboretum, with \$1.9 million of this funding allocated towards upgrading 4.5kms of the internal roads system from dirt to tarmac. The funding for this project has been granted through the Local Roads and Community Infrastructure (LRCI) program.

Background Information

- The Master Plan was developed in conjunction with original Arboretum architects, Taylor Cullity Lethlean. The projects identified were aimed at making the site more

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accessible, improving overall quality of the visitor experience, activating the landscape through new activities and events, and providing an expanded offering to a broader range of audiences.

- The Master Plan is well supported by the National Arboretum's key stakeholders which include, The Friends of the National Arboretum Canberra, and its two onsite commercial tenants, Ginger Catering and The Curatoreum.

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Portfolio/s: Special Minister of State

Stromlo Forest Park – Master Plan Update

Talking points:

- The National Arboretum Canberra (NAC) took over management of Stromlo Forest Park (SFP) from Venues Canberra as of March 2020.
- The Cabinet endorsed Master Plan provides a far-reaching vision for the park that will facilitate its evolution into a vibrant, specialist centre for recreation and sport in Canberra.
- While cycling, equestrian, running and walking will continue to be key activities within the Park, it is also becoming an integral recreation resource for the residents of Molonglo Valley. The current Master Plan balances a range of new sport and recreation opportunities at the Park, while still being considerate of traditional user groups.
- The existing facilities comprise a purpose-built event pavilion, criterium cycling circuit, a grass cross country track and mountain bike tracks to suit all ability levels of riders.

Key Information

- The recently constructed Stromlo Leisure Centre is the first significant project that has been funded at the Park from the Master Plan.
- The Master Plan has up to twenty other projects that are yet to be progressed with no preliminary design or costing works completed.
- The ACT Greens put forward an election commitment of \$1 million to progress the Master Plan to make it a leading Australian multi-sport facility.

Background Information

- The NAC has worked with SFP's major user groups and stakeholders and requested they provide their top priority projects from the Master Plan.
- The top five projects selected by the user groups which require further review, detailed costings, analysis and design from the Master Plan are summarised below:
 - Stromlo Boulevard and access link (mixed use Boulevard shared by cyclists, pedestrians, and vehicles)
 - Criterium circuit extension
 - Sister pavilion / Link Bridge
 - 12km road cycling circuit

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- Tourist accommodation site within hub (preferred site location)

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Portfolio/s: Special Minister of State

Choose a Portfolio

GOVERNMENT PROCUREMENT (CHARTER OF PROCUREMENT VALUES) DIRECTION 2020

Talking points:

- The Government Procurement (Charter of Procurement Values) Direction 2020 (the Direction) came into effect on 9 September 2020.
- The Charter of Procurement Values incorporated in the Direction provides a clear statement of values that will help guide public officials and the business community throughout the procurement process as well as help lead positive change in our community.
- Procurement ACT is supporting implementation of the Direction by Territory entities through:
 - Delivering training to agencies on how to comply with the Direction
 - Updating procurement templates and systems to support the Direction
 - Simplifying processes for agencies to embed the Procurement Values in their procurements. For example, Procurement ACT maintain a list of Local Aboriginal and Torres Strait Islander Enterprises and Social Enterprises
 - Updating the Procurement ACT website to provide information on the Direction and Charter of Procurement Values.
- Reporting against the Direction commenced on 1 January 2021 for all notifiable contracts.

Key Information

- Procurement ACT has delivered 16 training sessions to 436 participants across ACT Government on the Direction and Procurement Values to support implementation.
- Data will be used internally to inform decision making and business support requirements.

Cleared as complete and accurate:	13/01/2021	
Cleared by:	Executive Group Manager	
Contact Officer name:	Glenn Bain	Ext: 76569
Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Yes	
Information Officer name:	Kyla Kerkow	
TRIM Ref:	CMTEDD2021/211	

Background Information

- The Procurement Values aims to reflect community standards by expressing the ACT Government's expectations of itself and its suppliers, through six values:
 - Aboriginal and Torres Strait Islander Peoples' Economic Participation
 - Business Development and Innovation
 - Diversity, Equality and Inclusion
 - Environmental Responsibility
 - Fair and Safe Conditions for Workers
 - Transparent and Ethical Engagement
- The Direction requires Territory entities to:
 - consider the Charter of Procurement Values in the management of their procurement activities, in addition to any legislative requirements and relevant policies that may be applicable; and
 - beginning 1 January 2021, report on the Procurement Value(s) that have been applied in any procurement process resulting in a notifiable contract.
- The Direction is supported by a detailed Procurement Values Guide to provide further guidance to Territory entities on complying with the Direction and achieving the Procurement Value outcomes.

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Portfolio/s: Special Minister of State

Conflict of Interest in Procurement Processes

Key Talking Points:

- Conflict of interest declarations are required, and are consistently undertaken by all participants in goods and services procurements with a value of \$200,000 or more (GST inclusive) supported by Procurement ACT.
- The ACT Has a strong procurement system and ProcurementACT regularly supports Territory entities in meeting their legislative obligations surrounding procurement processes.
- I understand Procurement ACT is in the process of developing three e-learning modules to support ACT public servants to build their knowledge of the ACT Government procurement framework which will be delivered in the first quarter of this year.
- I have asked Procurement ACT to incorporate the feedback of the Commissioner into their policies and practices going forward, and also to include this information as part of those e-learning modules.

Talking points:

- Section 22A(3)(a) of the *Government Procurement Act 2001* states that in pursuing value for money, Territory entities must have regard to probity and ethical behaviour.
- To support procurements under \$200,000 (GST inclusive) Procurement ACT provides a '*Quotation Evaluation Team Responsibilities Checklist*' that indicates the need to declare and address conflicts of interest.
- For goods and services procurement with a value of \$200,000 or more (GST inclusive) delivered in consultation with Procurement ACT, the standard '*Tender Evaluation Plan*' and '*Tender Evaluation Report*' templates both address identification and management of conflicts of interest.
- Conflict of interest declarations are consistently undertaken by all participants in goods and services procurements with a value of \$200,000 or more (GST inclusive) supported by Procurement ACT.
- To support Territory entities in meeting their legislative obligations, the Probity in Procurement Guide (the Guide) released on 12 January 2021 provides guidance on probity and ethical behaviour in procurement processes, including the management of conflicts of interest.

Cleared as complete and accurate: 11/02/2020
Cleared for public release by: Under Treasurer Ext: 71001
Contact Officer name: Glenn Bain Ext: 52895
Lead Directorate: Chief Minister, Treasury and
Economic Development

TRIM Ref:

- The process for managing conflicts of interest in procurement as set out in the Probity in Procurement Guide is consistent with section 9(1) of the *Public Service Management Act 1994* regarding public sector conduct and conflicts of interest.
- Procurement templates and training are used to inform and remind public servants of their obligations to declare conflicts of interest when undertaking procurement.
- Where it is determined that the nature, value and risk of a procurement warrants greater controls, and documented conflict of interest declarations are required for all participants in the procurement process, a template form is available.

Key Information

- The Guide replaced Procurement Circular 21: Probity and Ethical Behaviour, the latest version of which has been in effect since November 2011. The Procurement Circular included guidance on identifying and managing conflict of interest in procurement.
- The Guide, sets out that ‘Identification and management of conflicts of interest’ is a Probity Principle for all procurement and Appendix A to the Guide provides detailed information on applying this principle in practice.
- A ‘Conflict of Interest Declaration’ template is included at Appendix H of the Guide to support Territory entities in meeting their probity obligations where they are not engaging a probity advisor or formal legal advice.
- The Guide is available to for public servants to view on the intranet and is also published on the Procurement ACT website. Procurement ACT is also promoting awareness of the Guide through its training programme and in a number of regular forums.
- The Guide establishes a risk-based approach to probity action, including for conflict of interest requirements, where the mitigations applied to each procurement are appropriate and proportionate to the nature, value, and risk of the procurement.
- Under the *Public Sector Management Act 1994* there is no positive duty to declare that a conflict of interest does not exist. Instead, public servants must declare where a real or perceived conflict of interest does exist.
- Section 9 (1) of the *Public Sector Management Act 1994* requires public servants to:
 - (a) take all reasonable steps to avoid a conflict of interest, and
 - (b) declare or manage a conflict of interest that cannot reasonably be avoided.
- Territory entities are encouraged to engage a probity advisor or request legal advice where necessary, to assist them in determining if there is a real or perceived conflict of interest and any mitigations actions required.

Background Information

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TRIM Ref:

- The Auditor-General's Report No 1, 2019 – Total Facilities Management Procurement recommended that Procurement ACT review the available probity advice and develop detailed guidance and clarity with respect to the engagement of probity advice in a procurement process.
- The publication of the Probity in Procurement Guide finalised the audit recommendation.
- The Guide was developed in consultation with stakeholders across the ACT Government, including Major Projects Canberra. Procurement ACT worked closely with the ACT Government Solicitor and the comments of that office are reflected in the Guide.
- In addition to the Probity Guide, several templates are provided by Procurement ACT to support Territory entities to manage conflict of interest in procurement activities.
- Training delivered by Procurement ACT provides information on identifying and managing conflict of interest in procurement.

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