



ACT
Government



Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2023-267

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	Waived
6. Processing time (in working days)	41
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: 
To: [CMTEDD FOI](#)
Subject: FOI requests -  CMTEDDFOI 2023-267
Date: Thursday, 3 August 2023 4:48:03 PM
Attachments: [image001.png](#)

Good afternoon

I write to request all documents and any information held by the Directorate as follows:

Chief Minister/ Chief Minister, Treasury and Economic Development Directorate

- All correspondence and documentation regarding the resignation of Mr Damon Hall from the Government Procurement Board, including what information was exchanged with the Special Minister of State or his staff and correspondence to the Board surrounding his resignation.
- All correspondence relating to the Special Minister of State's decision to renew Mr Hall's membership to the board in 2021.
- All correspondence relating to Ms Susan Hall's resignation or dismissal from the Government Procurement Board since her appointment on 22 November 2019.
- Any and all conflicts of interest declared by Mr Damon Hall in his role as Member of the Government Procurement Board.
- Any and all conflicts of interest declared by Ms Susan Hall in his role as Member of the Government Procurement Board.
- All correspondence and documentation between the CEO of CIT and the Minister for Skills or his staff, surrounding a potential conflict of interest declared between the CEO of CIT's relationship to Think Garden CEO, Patrick Hollingworth and the subsequent contracts awarded to his company.
- All correspondence and documentation between the CEO of CIT, Leanne Cover, and the Minister for Skills or his staff, surrounding a potential conflict of interest between the CIT CEO and Patrick Hollingworth for all contracts first executed from 27 July 2017 until 28 March 2022 inclusive of contracted entities: Redrouge, Think Garden and Trustee for The Patrick Hollingworth Family Trust.
- All correspondence and documentation between the Special Minister of State or his staff for potential conflicts of interest declared for the contract [Contract - SA1534](#), especially as they relate to Karen Mann.

I make this request pursuant to the *Freedom of Information Act 2016* (the Act).

If I can be of any assistance in relation to this request, please don't hesitate to contact the office on 6205 1927.







ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI2023-267



FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 3 August 2023. Specifically, you sought the following:

- *All correspondence and documentation regarding the resignation of Mr Damon Hall from the Government Procurement Board, including what information was exchanged with the Special Minister of State or his staff and correspondence to the Board surrounding his resignation.*
- *All correspondence relating to the Special Minister of State's decision to renew Mr Hall's membership to the board in 2021.*
- *All correspondence relating to Ms Susan Hall's resignation or dismissal from the Government Procurement Board since her appointment on 22 November 2019.*
- *Any and all conflicts of interest declared by Mr Damon Hall in his role as Member of the Government Procurement Board.*
- *Any and all conflicts of interest declared by Ms Susan Hall in his role as Member of the Government Procurement Board.*
- *All correspondence and documentation between the CEO of CIT and the Minister for Skills or his staff, surrounding a potential conflict of interest declared between the CEO of CIT's relationship to Think Garden CEO, Patrick Hollingworth and the subsequent contracts awarded to his company.*
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- *All correspondence and documentation between the Special Minister of State or his staff for potential conflicts of interest declared for the contract [Contract - SA1534](#), especially as they relate to Karen Mann.*

On 8 August 2023, the Canberra Institute of Technology (CIT) FOI team accepted transfer of the following two points of your request:

- *All correspondence and documentation between the CEO of CIT and the Minister for Skills or his staff, surrounding a potential conflict of interest declared between the CEO of CIT's relationship to Think Garden CEO, Patrick Hollingworth and the subsequent contracts awarded to his company.*
- *All correspondence and documentation between the CEO of CIT, Leanne Cover, and the Minister for Skills or his staff, surrounding a potential conflict of interest between the CIT CEO and Patrick Hollingworth for all contracts first executed from 27 July 2017 until 28 March 2022 inclusive of contracted entities: Redrouge, Think Garden and Trustee for The Patrick Hollingworth Family Trust.*

As such, please note that CIT will respond to you separately regarding these points.

Authority

I am an Information Officer appointed by the Director-General of CMTEDD under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD was required to provide a decision within 30 working days of receipt of your application. However, following third-party consultation, a decision on your access application is due by 6 October 2023.

Decision on access

An information search of CMTEDD records was conducted based on information provided by you. While some traditional documents were identified, information has also been provided in relation to several points of your scope in this response, following my statement of reasons. A statement of reasons is provided in accordance with section 54(2) of the Act.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant access in full to three documents relevant to your request. I have decided to grant partial access to two documents and refuse to release one document, as I consider them to contain information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

My access decisions are detailed further in the following statement of reasons, in accordance with section 54(2) of the Act. The documents released to you are provided as **Attachment B** to this letter.

Why I intend to refuse your request

I intend to refuse to deal with a portion of your access application, under section 43(1)(a) of the FOI Act, because:

- dealing with the application would require an unreasonable and substantial diversion of resources pursuant to section 44(1)(a) of the FOI Act, and
- the resources required does not justify the public interest, refer section 44(1)(b) of the FOI Act.

The two points are:

- *Any and all conflicts of interest declared by Mr Damon Hall in his role as Member of the Government Procurement Board.*
- *Any and all conflicts of interest declared by Ms Susan Hall in his role as Member of the Government Procurement Board.*

Board members declare conflicts on each item presented to the Board and are recorded in the minutes of each meeting. The Board considers approximately 80 items per year. As Mr Hall's appointment term was close to five years, this request would be an unreasonable diversion of resources to gather the information from each minute. As Ms Hall's appointment term was three years, this request would be an unreasonable diversion of resources to gather the information from each minute.

Balancing the public interest that would be advanced by processing this request in its current form, I have concluded that it does not justify the resources required to complete it. This is contrary to the objects of the FOI Act, including under section 6(f): "facilitate and promote, promptly and at the lowest reasonable cost, the disclosure of the maximum amount of government information."

Statement of Reasons

In reaching my access decisions, I have taken the following into account:

- the Act
- the content of the documents that fall within the scope of your request
- the *Human Rights Act 2004*.

Exemption claimed

My reasons for deciding not to grant access to the identified documents and components of those documents are as follows:

Contrary to the public interest information under Schedule 1 of the Act

Some of the documents contain information that is considered to be contrary to the public interest under Schedule 1 sections 1.6 of the Act.

Under the Act schedule 1, section 1.6 *Cabinet Information* is:

(1) Information—

(a) that has been submitted, or that a Minister proposes to submit, to Cabinet for its consideration and that was brought into existence for that purpose; or

(b) that is an official record of Cabinet; or

(c) that is a copy of, or part of, or contains an extract from, information mentioned in paragraph (a) or (b); or

(d) the disclosure of which would reveal any deliberation of Cabinet (other than through the official publication of a Cabinet decision).

The purpose of this exemption is to maintain the confidentiality of the Cabinet process and to uphold the principle of collective ministerial responsibility. This exemption was discussed in *The Commonwealth v Northern Land Council* [1993] HCA 24; (1993) 176 CLR 604 (21 April 1993). Paragraph 6 of the decision, states that:

... it has never been doubted that it is in the public interest that the deliberations of Cabinet should remain confidential in order that the members of Cabinet may exchange differing views and at the same time maintain the principle of collective responsibility for any decision which may be made.

Information that would divulge Cabinet deliberations has been redacted.

Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act

What is the Public Interest?

The 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 non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when 'used in a statute, the term [public interest] derives its content from "the subject matter and the scope and purpose" of the enactment in which it [public interest] appears'. 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.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the 'public interest'.

Factors favouring disclosure in the public interest under schedule 2.1:

(a) disclosure of the information could reasonably be expected to do any of 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;*
- (iii) Inform the community of the government's operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community.*

I consider release of this information could reasonably be expected to promote discussion of public affairs, contribute to positive and informed debate and the government's accountability regarding the expenditure of public funds. The release of this information will provide insight in the process undertaken with regards to procurement.

I am satisfied that these factors favouring disclosure carry considerable weight. However, these factors are to be balanced against the factors favouring nondisclosure.

Factors favouring nondisclosure in the public interest:

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

- (ii) prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*

Having reviewed the information, I consider that the protection of an individual's right to privacy, is a significant factor. Release of information concerning individuals working within the ACT Public Service is generally not considered to prejudice the protection of an individual's right to privacy. However, where mobile phone numbers may be used for home and work purposes, this information is redacted, as it could or would reasonably be expected to prejudice an individual's right to privacy under the *Human Rights Act 2004*. I have elected to redact Mr Hall's mobile number and his signature. I note that these redactions are minor in nature.

Several of the documents contain vast amounts of out-of-scope information. Where this is the only reason for redaction, in line with ACT Ombudsman Guidelines, this is taken as full release.

Having applied the test outlined in section 17 of the Act and deciding that release of some of the information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

Additional contextual information

- **All correspondence relating to Ms Susan Hall's resignation or dismissal from the Government Procurement Board since her appointment on 22 November 2019.**

Susan Hall did not resign nor was she dismissed; her appointment ceased at the end of its term.

- **All correspondence and documentation between the Special Minister of State or his staff for potential conflicts of interest declared for the contract Contract - SA1534, especially as they relate to Karen Mann.**

CMTEDD does not hold any information on this point.

Charges

I have waived fees associated with your access application because under section 107 of the Act, a Member of the Legislative Assembly is not to be charged a fee for an access application.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log. Your personal contact details will not be published. You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2023i>.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

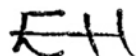
Consultation Period

Section 46(1) of the Act requires CMTEDD to provide you with the opportunity to amend your application before a decision to refuse to deal that portion of your request can be made. The time allowed for you to amend your request under section 46(4)(a) is 10 working days.

We would welcome your input, however, if no response is received from you by **20 October 2023**, I intend to refuse to deal with your application under section 43(1)(a) of the Act.

Should you have any queries in relation to your request please contact the CMTEDD FOI team by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,

Handwritten signature of Emma Hotham, consisting of the letters 'EH' in a stylized, cursive font.

Emma Hotham

Information Officer

Chief Minister, Treasury and Economic Development Directorate

6 October 2023



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2023-267



FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 3 August 2023. Specifically, you sought the following:

- *All correspondence and documentation regarding the resignation of Mr Damon Hall from the Government Procurement Board, including what information was exchanged with the Special Minister of State or his staff and correspondence to the Board surrounding his resignation.*
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- *All correspondence and documentation between the Special Minister of State or his staff for potential conflicts of interest declared for the contract [Contract - SA1534](#), especially as they relate to Karen Mann.*

On 8 August 2023, the Canberra Institute of Technology (CIT) FOI team accepted transfer of the following two points of your request:

- *All correspondence and documentation between the CEO of CIT and the Minister for Skills or his staff, surrounding a potential conflict of interest declared between the CEO of CIT's relationship to Think Garden CEO, Patrick Hollingworth and the subsequent contracts awarded to his company.*
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As previously advised, CIT will respond to you separately regarding those points.

Authority

I am an Information Officer appointed by the Director-General of CMTEDD under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD was required to provide a decision within 30 working days of receipt of your application. However, following third-party consultation, a decision to partially release information was provided to you on 6 October 2023. However, you were also provided with a partial notice of intention to refuse as part of that decision notice for two items contained within the scope of your request.

Consultation

Under section 46(1)(a) of the Act, before refusing to deal with your application, CMTEDD was required to provide you, in writing, the grounds for the refusal, and (b) provide you with a reasonable opportunity to consult with CMTEDD and provide any additional information that is relevant. CMTEDD was also required to provide any information that may assist you in making an application in a form that would remove the grounds for refusal.

In accordance with section 46(1)(b), the consultation period as outlined in the Act is 10 days from the day after the notice was provided to you, meaning the consultation period has now expired. I note that my office has not had a response from your office.

I am satisfied that my office has made all reasonable attempts to assist you in making an application that would remove the grounds for refusal.

Decision on access

I have decided to refuse to deal with your application, under section 43 (1)(a) of the FOI Act, because:

- dealing with the application would require an unreasonable and substantial diversion of resources pursuant to section 44(1)(a) of the Act, and

- the resources required does not justify the public interest, refer section 44(1)(b) of the Act.

The two points are:

- *Any and all conflicts of interest declared by Mr Damon Hall in his role as Member of the Government Procurement Board.*
- *Any and all conflicts of interest declared by Ms Susan Hall in his role as Member of the Government Procurement Board.*

Board members declare conflicts on each item presented to the Board and are recorded in the minutes of each meeting. The Board considers approximately 80 items per year. As Mr Hall's appointment term was close to five years, this request would be an unreasonable diversion of resources to gather the information from each minute. As Ms Hall's appointment term was three years, this request would be an unreasonable diversion of resources to gather the information from each minute.

Balancing the public interest that would be advanced by processing this request in its current form, I have concluded that it does not justify the resources required to complete it. This is contrary to the objects of the FOI Act, including under section 6(f): "facilitate and promote, promptly and at the lowest reasonable cost, the disclosure of the maximum amount of government information."

Charges

Pursuant to *Freedom of Information (Fees) Determination 2018* processing charges are not applicable for this request as no documents are being released to you.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application and my decision in response to your access application will be published on the CMTEDD disclosure log.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman:

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ACT Civil and Administrative Tribunal

GPO Box 370

Canberra City ACT 2601

Telephone: (02) 6207 1740

<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact CMTEDD FOI team on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



Emma Hotham

Information Officer

Chief Minister, Treasury and Economic Development Directorate

20 October 2023



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
<ul style="list-style-type: none"> All correspondence and documentation regarding the resignation of Mr Damon Hall from the Government Procurement Board, including what information was exchanged with the Special Minister of State or his staff and correspondence to the Board surrounding his resignation. All correspondence relating to the Special Minister of State's decision to renew Mr Hall's membership to the board in 2021. All correspondence relating to Ms Susan Hall's resignation or dismissal from the Government Procurement Board since her appointment on 22 November 2019. Any and all conflicts of interest declared by Mr Damon Hall in his role as Member of the Government Procurement Board. Any and all conflicts of interest declared by Ms Susan Hall in his role as Member of the Government Procurement Board. All correspondence and documentation between the Special Minister of State or his staff for potential conflicts of interest declared for the contract Contract - SA1534, especially as they relate to Karen Mann. 	CMTEDDFOI 2023-267

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-17	Ministerial brief CMTEDD2021/3041 and attachments	21 June 2021	Full	Outside scope	Yes
2	18-26	CABINET APPOINTMENT	6 July 2021	Exempt	Schedule 1, 1.6	No
3	27-30	Ministerial brief 2022/1406	12 April 2022	Full	Outside scope	Yes
4	31-37	Ministerial brief 2022/3743	26 September 2022	Full	Outside scope	Yes
5	38-42	Ministerial brief 2022/2408	7 June 2023	Partial	Sch 2, 2.2(a)(ii)	Yes

6	43-50	Various email correspondence	6 June 2023 – 14 June 2023	Partial	Sch 2, 2.2(a)(ii)	Yes
Total No of Docs						
6						

Chief Minister, Treasury and Economic Development Directorate

To: Special Minister of State

Tracking No.: CMTEDD2021/3041

Date: 21/06/2021

CC: N/A

From: Executive Group Manager, Procurement ACT

Subject: Cabinet Appointment Paper – Government Procurement Board
Appointment of Deputy Chair and Re - appointment of Members

Critical Date: 10am Tuesday 29 June 2021

Critical Reason: To meet Cabinet Office lodgement timeframes.

- A/g UT 25/6/21
- DUT-CSI 24/6/21

Recommendations

That you:

1. Outside Scope [Redacted]
[Redacted]
Outside Scope [Redacted]
2. Outside Scope [Redacted]
[Redacted]
[Redacted]
3. sign the instruments at Attachment 4 to reappoint Mr Hall a [Redacted]
Outside Scope [Redacted] to be notified after Cabinet's consideration on
Tuesday 6 July 2021 .

Signed / Not Signed / Please Discuss

29/6/21

Chris Steel MLA

Minister's Office Feedback

Background

1. On 6 June 2021 you approved , via ministerial brief CMTE DD2021/ 9 66 (Attachment 1:)
 - a. To re- appoint Mr Damon Hall (Public Employee Member for another two years (subject to Cabinet processes);
 - b. Outside Scope [Redacted]
 - c. [Redacted]

Issues

2. A Cabinet Appointment Paper has been drafted at Attachment 2. This brief is seeking your approval to lodge the Appointment Paper with Cabinet Office for consideration on Friday 6 July 2021 .
3. Outside Scope [Redacted]
- a. Outside Scope [Redacted]
4. Once Cabinet has considered the proposed reappointment of Mr Hal [Redacted] the instruments at Attachment 4 can be notified (once you have signed)

Financial Implications

5. Outside Scope [Redacted]
6. Outside Scope [Redacted]

Outside Scope

Consultation

Internal

8. Nominees for appointment/reappointment have been consulted and each of them has agreed to be put forward.

Cross Directorate

9. Consultation on the proposed appointment of Deputy Chair and re- appointments has occurred with the diversity offices.
 - a. The Office for Women supported the appointments with no further comments.
 - b. The Office for Aboriginal and Torres Strait Islander Affairs supported the appointments with no further comments.
 - c. The Office for Disability noted that there are no people with disability currently represented on the Board, and so encouraged to actively seek the engagement of candidates with disability when recruiting potential members against new Board vacancies.
 - d. The Office for LGBTIQ Affairs noted the proposed appointments with no further comments.
 - e. The Office for Multicultural Affairs (OMA) noted that there is no representation of People with Culturally and Linguistically Diverse (CALD) Backgrounds in the current and proposed appointment/ reappointment. OMA also noted that the positions will not be advertised externally. And that in the future, should the committee wish to include CALD representation and improve its diversity, the Office for Multicultural Affairs should be contacted early in the recruitment process for assistance.

Outside Scope

OFFICIAL

Communications, media and engagement implications

13. Not applicable.

Signatory Name: Glenn Bain Phone: 76569

Action Officer: Charlotte Smith Phone: 70254

Attachments

Attachment	Title
<h1>Outside Scope</h1>	
Attachment 4	Instruments to reappoint Mr Hall and appoint Mr Rutledge as Deputy Chair

Chief Minister, Treasury and Economic Development Directorate

To: Special Minister of State Tracking No.: CMTEDD2021/966

Date: 22/04/2021

CC: Head of Service

From: Executive Group Manager, Procurement ACT

Subject: Government Procurement Board – New Appointments and Thank you letter

Critical Date: **04/06/2021**

Critical Reason: To enable selection processes to proceed.

- UT 22/4/21...
- DUT-CSI 10/3/21...

Recommendations

That you:

Outside Scope

- 5. Agree to re- appoint Mr Damon Hall Public Employee Member) for another two years to 3 July 2023 (subject to Cabinet and Committee processes).

Outside Scope

Chris Steel MLA



6621

Minister's Office Feedback

Background

- 9. The Government Procurement Board (the Board) reviews procurement proposals referred to it by ACT Government directorates and agencies under section 11 of the Government Procurement Regulation 2007 (Regulation). The Board is advisory and has no delegation authority or other powers.
- 10. The Board identifies risks in procurement, both in individual proposals brought before the Board for review and across the government's procurement program more broadly, and provides advice to directorates and Directors General accordingly. The Board advises the Minister on procurement matters where the Board considers it appropriate, or on request.
- 11. The *Government Procurement Act 2001* (the Act) prescribes that the Board consists of nine part- time members:
 - a. the Chair Public Employee Member;
 - b. the Deputy Chair (Public Employee Member);
 - c. three Public Employee Members; and
 - d. four Non Public Employee Members.

- 12. Members are appointed by the Minister, for a maximum term of five years. A member may be reappointed, and in order to promote a level of stability and facilitate continuity in its operations, appointments are staggered, and the initial period of appointment is recommended for not more than three years.

Outside Scope

- 15. The current membership of the Board is as follows:

Position	Member
Outside Scope	
Public Employee Member	Damon Hall
Outside Scope	

- 16. Attachment B provides a summary of the skills and experience of the current Board members. The required skills capabilities of members are broadly covered by the current members.

- 17. There are two members whose terms on the Board are scheduled to end this year:

- Mr Damon Hall (Public Employee Member) on 3 July 2021; and

Outside Scope on

Issues

- 18. It is recommended to re-appoint Mr Hall and Outside Scope to the Board for another two years.

- Mr Hall a Outside Scope have already been members on the Board for three years so can only be re - appointed for another two years.
- Mr Hall Outside Scope have been consulted with and have agreed to be re-appointed (subject to Cabinet and Committee processes) .

19. Outside Scope

- 20. Outside Scope

Outside Scope

21. Were appointments to the Board delayed as a consequence, there would be a higher risk of the Board not being able to meet quorum requirements. This is not fatal to the operation of the board but could prove inconvenient were it to arise in the course of considering an urgent procurement proposal.
22. It is recommended that in order to maintain a board composition which is diverse, including gender and directorate representation to bring a greater range of perspective the following should be considered:



of the role) with the required skill set to allow succession planning for the Chair and Deputy Chair positions.

- o Outside Scope of the three remaining GPB public employee members, one is a Band 2 (Mr Damon Hal) and Outside Scope

23.



Outside Scope

Outside Scope

25.

Outside Scope

26.

Outside Scope

Signatory Name: Glenn Bain

Phone: 76569

Action Officer: Charlotte Smith

Phone: 70254

Outside Scope

Outside Scope

Outside Scope

Outside Scope

Outside Scope

Outside Scope

Outside Scope

Australian Capital Territory

Government Procurement (Public Employee Member) Appointment 2021 (No 1)

Notifiable instrument NI2021–

made under the

Government Procurement Act 2001, section 12 (appointment of members)

1 Name of instrument

This instrument is the *Government Procurement (Public Employee Member) Appointment 2021 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Appointment of Public Employee Member

I appoint Damon Hall as a public employee member of the Government Procurement Board for a period of two years.



Chris Steel
Special Minister of State
30 June 2021

Australian Capital Territory

Government Procurement Act 2001 (Public Employee Member) Appointment 2021 (No 1)

Notifiable instrument NI2021-

made under the

Government Procurement Act 2001, section 12 (appointment of members)

EXPLANATORY STATEMENT

The *Government Procurement Act 2001* (the Act) establishes the Government Procurement Board (the Board), with the responsibility for reviewing and giving advice on procurement issues, procurement proposals and activities undertaken by territory entities subject to the *Government Procurement Regulation 2007*.

Section 12 of the Act enables the Minister to appoint members. Section 13 of the Act prescribes that a member must be appointed for a term of not longer than five years.

In accordance with the Act, the Minister has appointed Damon Hall as a public employee member for a period of two years from the day after notification.

This appointment has been approved by the Special Minister of State.

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Chief Minister, Treasury and Economic Development Directorate

To: Special Minister of State Tracking No.: CMTEDD2022/1406

Date: 12/04/2022

From: A/g Executive Group Manager, Procurement ACT

Subject: 2022 Government Procurement Board Expiring Terms

Critical Date: 01/05/2022

Critical Reason: To allow sufficient time for Cabinet Office processes and Legislative Assembly Committee timeframes.

- UT 13/04/22
- DUT-BPIF 13/04/22

Recommendation

Outside Scope

reappoint Ms Hall for a further term of two years (subject to their agreement and consultation with Cabinet).

Agreed / Not Agreed / Please Discuss

Chris Steel MLA



26/4/22

Minister's Office Feedback

Background

1. **Outside Scope** Idwin in anc
2. The appointment of Ms Susan Hall will expire On 23 November 2022 . By that date, Ms Hall would have been appointed to the Board for three years and there is the option (if agreed) to appoint her for a further two years.
3. As per Section 13 the *Government Procurement Act 2001* Board Members can only be appointed for a maximum of five years
4. The current membership of the Board is as follows:

Position	Member
Outside Scope	
Public Employee Member	Damon Hall
Outside Scope	
Non Public Employee Member	Susan Hall

5. Attachment A provides a summary of the skills and experience of the current Board members. The required skills capabilities of members are broadly covered by the current members.
6. A copy of the Position Description for Board Members is at Attachment B for your reference.

Issues

7. The Chair of the Board and I recommend **Outside Scope** the reappointment of Ms Hall for a further term of two years (subject to their agreement) .
8. The Chair of the Board is satisfied that the required performance standards of the Board are being met by M**Outside Scope** Ms Hall. All three Board Members are active in discussions and have had good attendance rates since being appointed.

Board Member	Attendance		
	2019-20 FY	2020-21	2021- FY
Sue Hall	16/16 meetings	39/41FY meetings	38 meetings

Note: As at 29 March 2022

OFFICIAL

9. Under the process outlined in the Governance Principles – Appointments Board Committees in the AC T guide, a member would not be appointed/reappointed and have their term terminated if they are unable to meet performance standards or a breach of the Code of Conduct has occurred. The member must also be informed and provided with a reasonable opportunity to respond to these issues.
- a. As **Outside Scope** Ms Hall are meeting performance standards and adhering to the Code of Conduct, this does not apply.

Financial Implications

10. **Outside Scope**
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

ConsultationInternal

12. The Chair of the Board was consulted for her appraisal of the expiring members performance and provided her recommendation to reappoint all three.

Cross Directorate

13. A Cabinet Appointment process and consultation with the Diversity Offices will be undertaken once your preferred option for a way forward is known.

External

14. Following your agreement, the Chair and/or I will approach the Members to seek their agreement to reappointment and commence the necessary Diversity Office consultation process (which takes a week) and then the Cabinet Appointment process (subject to their agreement)
15. After the Cabinet Appointment process, consultation with the Standing Committee on Economy and Gender and Economic Equality (which takes 8 days) is required. Then pending any matters raised, you can sign the instruments, and these will be notified to reappoint the three Board Members.

Health and Safety

16. Not applicable.

Benefits/Sensitivities

17. Not applicable.

Communications, media and engagement implications

18. Not applicable.

Signatory Name: Dave Purser Phone: 58013

Action Officer: Charlotte Smith Phone: 70254

Attachments

Attachment	Title
Attachment A	GPB Skills and Composition Analysis
Attachment B	GPB – Member Position Description

Chief Minister, Treasury and Economic Development Directorate

To: Special Minister of State

Tracking No.: CMTEDD2022/3743

Date: 26/09/2022

From: Executive Group Manager, Procurement ACT

Subject: Approval to seek a Governance Principles Exemption for a Government Procurement Board Non-public Employee Member Appointment

Critical Date: 07/10/2022

Critical Reason: Approval from the Chief Minister is required by 14/10/22 to meet the timeframes associated with lodging the Cabinet Appointment package

- UT 26/09/22
- DUT-BPIF 26/09/22

Recommendations

That you:

1. Note the information contained in this brief;

Noted / Please Discuss

2. Sign the attached letter.

Signed / Not Signed / Please Discuss

Chris Steel MLA/...../.....

Minister's Office Feedback

Background

- 1. **Outside Scope**

Issues

- 2. **Outside Scope**

- 3. **Outside Scope**

- 4. A GPB non- public employee member position will become vacant on 23 November 2022, following completion of Ms Susan Hall's term.

- 5. **Outside Scope**

- 6. **Outside Scope**

Financial Implications

- 7. **Outside Scope**

Consultation

Internal

Outside Scope

Signatory Name: Glenn Bain Phone: 76569
Action Officer: Kyla Kerkow Phone: 76709

Attachments

Attachment	Title
	Outside Scope

Outside Scope

Outside Scope

Chris Steel MLA

Minister for Transport and City Services

Minister for Skills

Special Minister of State

Member for Murrumbidgee

Mr Andrew Barr MLA

Chief Minister

BARR@act.gov.au

Our ref: CMTEDD2022/3743

Dear Chief Minister

I am writing to request an exemption from the *Governance Principles – Appointments, Boards and Committees* for an appointment to the Government Procurement Board (Board) that is scheduled to be considered by Cabinet on 9 November 2022 (CAB2022/555).

Outside Scope

Ms Susan Hall (current Board member) were identified as the preferable appointees by then Minister for Government Services and Procurement, Ms Orr. Both appointments were cleared through consultation with Cabinet and the Legislative Assembly Standing Committee on Economic Development and Tourism. **Outside Scope**

Ms Hall's term as a non-public employee member of the Government Procurement Board will conclude after 22 November 2022. **Outside Scope**

Outside Scope

[Redacted]

[Redacted]

Yours sincerely



Chris Steel MLA

30 September 2022



MINISTERIAL BRIEF

Chief Minister, Treasury and Economic Development Directorate

To:	Special Minister of State	Tracking No.: CMTEDD2023/2408
Date:	07/06/2023	
CC:	Bettina Konti, Chairperson of the Government Procurement Board	
From:	Executive Group Manager, Procurement ACT	
Subject:	Resignation of Public Employee member of the Government Procurement Board - Damon Hall	
Critical Date:	14/06/2023	
Critical Reason:	Mr Hall's last day of employment with the ACT Public Service is 16 June 2023	
• UT	08/06/23	
• DUT	07/06/23	

Recommendations

That you:

- Note that Mr Damon Hall has tendered his resignation as a Public Employee member of the Government Procurement Board at **Attachment A**;

Noted / Please Discuss

- Sign the attached letter of thanks to Mr Damon Hall at **Attachment B**; and

Signed / Not Signed / Please Discuss

- Note that Procurement ACT will use the current recruitment process for Public Employee members of the Board to make a recommendation to you on the filling of this vacancy.

Noted / Please Discuss

Chris Steel MLA/...../.....

Minister's Office Feedback

Choose an item.

Background

1. Mr Damon Hall, Executive Group Manager, Project Development and Support, Major Projects Canberra has been a Public Employee member of the Government Procurement Board (the Board) since July 2018.
2. During that time, Mr Hall has provided valuable contribution to the work of the Board. He has played an important role the development of its culture, practices and processes.

Issues

3. Mr Hall's five- year Board appointment term expires on 8 July 2023.
4. On 6 June 2023, Mr Hall advised the Board Secretariat that he resigned from the ACT Public Service effective Friday 16 June 2023.
5. Following his separation from the ACT Public Service, Mr Hall will no longer meet the eligibility requirement under section 12 of the *Government Procurement Act 2001* for a Public Employee member of the Board. On this basis, Mr Hall resigned from the Board. His resignation letter is at **Attachment A**.
6. We recommend that you accept Mr Hall's resignation and forward him a letter of thanks for his service. A copy of the letter is at **Attachment B**.
7. In March 2023, you authorised a merit- based recruitment process for Public Employee members of the Board, which is currently underway (reference CMTE DD2023 / 1276) . The selection advisory committee will provide you with its recommendations to fill upcoming Public Employee vacancies.

Financial Implications

8. Nil.

Consultation

Internal

9. Nil.

Cross Directorate

10. Nil.

External

11. The vacancy has been advertised on the ACT Government's website. Specific notice has also been provided to the Diversity Offices.

Health and Safety

12. Nil.

Benefits/Sensitivities

13. Nil.

Choose an item.

Communications, media and engagement implications

14. Nil

Signatory Name: Sanaz Mirzabegian Phone: 71529

Action Officer: Leana Vivarelli Phone: 51387

Attachments

Attachment	Title
Attachment A	Resignation letter from the Government Procurement Board by Mr Damon Hall
Attachment B	Letter of thanks to Mr Damon Hall

6 June 2023

Mr Chris Steel
Special Minister of State
ACT Legislative Assembly
CANBERRA ACT 2601
Email: chris.steel@act.gov.au

Minister Steel

Membership of the ACT Government Procurement Board

I write to confirm my resignation from the ACT Government Procurement Board (the Board) under section 201 of the *ACT Legislation ACT 2001* as I have resigned from my ACT Government role with Major Projects Canberra effective Friday 16 June 2023.

I am extremely grateful for the opportunity of being a member of the Board over the last five years.

It has been a pleasure to observe the personal and professional contribution that my colleagues as Board members have made advising on procurement activities and supporting the overall good governance of the Territory over that time.

I wish you and the Board well in the future.

Yours sincerely

Sch 2.2(a)(ii)

Damon Hall
Executive Group Manager, Project Development and Support
Major Projects Canberra



Chris Steel MLA
Minister for Transport and City Services
Minister for Skills
Special Minister of State
Member for Murrumbidgee

Mr Damon Hall
damon.hall@act.gov.au

Dear Mr Hall, *Damon*

I am writing to thank you for the contribution you have made to the Government Procurement Board, since your appointment in 2018.

I know the Board performs an important role in advising agencies on procurement in the Territory, and I would like to express my appreciation for your work in assisting the Board to provide timely, considered and contemporary advice. I trust that you found your time on the Board to be intellectually stimulating and fulfilling.

Thank you again for your commitment and contribution to the Board and I wish you well for your future endeavours.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Chris Steel'.

Yours sincerely
Chris Steel MLA

14 June 2023

From: "Vivarelli, Leana" <Leana.Vivarelli@act.gov.au> on behalf of "Government Procurement Board" <GovernmentProcurementBoard@act.gov.au>
Sent: 06/06/2023 9:43 AM
To: "Government Procurement Board" <GovernmentProcurementBoard@act.gov.au>
Subject: FW: Template Resignation from ACT Procurement Board.docx
Attachments: Template Resignation from ACT Procurement Board.docx
Importance: High

OFFICIAL

From: Vivarelli, Leana **On Behalf Of** Government Procurement Board
Sent: Tuesday, 6 June 2023 9:43 AM
To: Hall, Damon <Damon.Hall@act.gov.au>
Cc: Johnston, Fiona <Fiona.Johnston@act.gov.au>; Mirzabegian, Sanaz <Sanaz.Mirzabegian@act.gov.au>
Subject: Template Resignation from ACT Procurement Board.docx
Importance: High

OFFICIAL

Good morning Damon,

Sanaz asked me to share with you a sample letter of resignation from the Board for the SMoS.

Could you please send me a signed copy of your resignation letter from the Board, I need to repeal the instrument as its expiry date is 8 July 2023.

If you have any questions let me know

Many thanks
Lea

Mr Chris Steel
Special Minister of State
ACT Legislative Assembly
CANBERRA ACT 2601
Email: chris.steel@act.gov.au

Dear Mr Steel

Membership ACT Government Procurement Board

I write to confirm my resignation from the ACT Government Procurement Board (the Board) under section 201 of the ACT Legislation ACT 2001.

I am very grateful for the opportunity of being a member of the Board. I respect the personal and professional contribution that the members of each committee make to the good governance of the Territory.

I resigned from my ACT Government role effective XXXX.

I wish you and the Board well in your future endeavours.

Yours sincerely

From: "Hall, Damon" <Damon.Hall@act.gov.au>
Sent: 06/06/2023 11: 47 AM
To: "Government Procurement Board" <GovernmentProcurementBoard@act.gov.au>
Cc: "Mirzabegian, Sanaz" <Sanaz.Mirzabegian@act.gov.au>
Subject: Resignation from ACT Procurement Board
Attachments: Resignation from ACT Procurement Board D Hall.pdf

OFFICIAL

Hi Leana / Sanaz

Thank you for sending through the template.

Please find attached my resignation letter for the record as Board secretariat and on-forwarding as required to the Minister's office.

Regards
Damon

Damon Hall

Executive Group Manager | Project Development and Support
Major Projects Canberra | ACT Government
T 02 6207 0058 | M [Sch 2.2\(a\)\(ii\)](#) | E damon.hall@act.gov.au
Callam Offices, Level 3, 50 Easty Street, Phillip ACT
GPO Box 158, Canberra ACT 2601

www.act.gov.au



From: Vivarelli, Leana <Leana.Vivarelli@act.gov.au> **On Behalf Of** Government Procurement Board
Sent: Tuesday, 6 June 2023 9:43 AM
To: Hall, Damon <Damon.Hall@act.gov.au>
Cc: Johnston, Fiona <Fiona.Johnston@act.gov.au>; Mirzabegian, Sanaz <Sanaz.Mirzabegian@act.gov.au>
Subject: Template Resignation from ACT Procurement Board.docx
Importance: High

OFFICIAL

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Could you please send me a signed copy of your resignation letter from the Board, I need to repeal the instrument as its expiry date is 8 July 2023.

If you have any questions let me know

Many thanks
Lea

From: "Vivarelli, Leana" <Leana.Vivarelli@act.gov.au> on behalf of "Government Procurement Board" <GovernmentProcurementBoard@act.gov.au>
Sent: 06/06/2023 1:26 PM
To: "Hall, Damon" <Damon.Hall@act.gov.au>
Cc: "Mirzabegian, Sanaz" <Sanaz.Mirzabegian@act.gov.au>; "Government Procurement Board" <GovernmentProcurementBoard@act.gov.au>
Subject: RE: Resignation from ACT Procurement Board

OFFICIAL

Thank you Damon,

I will take care of it from here.

Have a great afternoon

From: Hall, Damon <Damon.Hall@act.gov.au>
Sent: Tuesday, 6 June 2023 11:48 AM
To: Government Procurement Board <GovernmentProcurementBoard@act.gov.au>
Cc: Mirzabegian, Sanaz <Sanaz.Mirzabegian@act.gov.au>
Subject: Resignation from ACT Procurement Board

OFFICIAL

Hi Leana / Sanaz

Thank you for sending through the template.

Please find attached my resignation letter for the record as Board secretariat and on-forwarding as required to the Minister's office.

Regards
Damon

Damon Hall
Executive Group Manager | Project Development and Support
Major Projects Canberra | ACT Government
T 02 6207 0058 | M [Sch 2.2\(a\)\(ii\)](#) | E damon.hall@act.gov.au
Callam Offices, Level 3, 50 Easty Street, Phillip ACT
GPO Box 158, Canberra ACT 2601

www.act.gov.au



From: Vivarelli, Leana <Leana.Vivarelli@act.gov.au> **On Behalf Of** Government Procurement Board
Sent: Tuesday, 6 June 2023 9:43 AM
To: Hall, Damon <Damon.Hall@act.gov.au>
Cc: Johnston, Fiona <Fiona.Johnston@act.gov.au>; Mirzabegian, Sanaz <Sanaz.Mirzabegian@act.gov.au>

Subject: Template Resignation from ACT Procurement Board.docx
Importance: High

OFFICIAL

Good morning Damon,

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Could you please send me a signed copy of your resignation letter from the Board, I need to repeal the instrument as its expiry date is 8 July 2023.

If you have any questions let me know

Many thanks

Lea

From: "STEEL" <STEEL@act.gov.au>
Sent: 14/06/2023 10:34 AM
To: "Hall, Damon" <Damon.Hall@act.gov.au>
Subject: Minister Steel letter to HALL
Attachments: Minister Steel letter to HALL damon.hall@act.gov.au.pdf

Good morning Mr Damon Hall,

Please see attached correspondence from Minister Steel.

Kind regards,
Office of Chris Steel MLA
Labor Member for Murrumbidgee
Minister for Transport and City Services
Minister for Skills
Special Minister of State
ACT Legislative Assembly
www.chrissteel.com.au

From: "Vivarelli, Leana"
Sent: 14/06/2023 6:00 PM
To: "PCO" <PCO@act.gov.au>
Subject: RE: Government Procurement Board appointment- repealing a notifiable instrument
Attachments: Attachment A- Resignation from ACT Procurement Board - D Hall.PDF, Minister Steel letter to HALL damon.hall@act.gov.au.PDF

OFFICIAL

Hi Joshua,

Thank you for your quick reply.

Please find attached the resignation letter (Damon Hall to SMoS) and the thank you letter (SMoS to Damon Hall).

Based on your advice below, you should be able to repeal the appointment. If you require further info please let me know.

Thank you
Lea

From: PCO <PCO@act.gov.au>
Sent: Wednesday, 14 June 2023 5:30 PM
To: Vivarelli, Leana <Leana.Vivarelli@act.gov.au>
Subject: RE: Government Procurement Board appointment- repealing a notifiable instrument

OFFICIAL

Hi Lea,

If the person has resigned in writing, you can send us a copy of that letter and we can repeal the appointment. To do this, we need the letter to be addressed to the person that appointed them, or for some sort of evidence that the appointer has received the resignation.

If this is not available, you will need to revoke the appointment in a new instrument – you can do this in the instrument that appoints the successor to this role, or in a separate instrument. Let me know if you need any help drafting either of these instruments.

Regards,

Joshua Stonham | Legislation Officer
(02) 6205 7650

ACT Parliamentary Counsel's Office | Justice and Community Safety | ACT Government
Level 3, Nara Centre, 3 Constitution Ave, Canberra City | www.legislation.act.gov.au



ACT Legislation Register

Please note:

The information contained in this email is not legal advice and should not be relied on as legal advice. For formal legal advice for your particular circumstances please contact a legal practitioner.

From: Vivarelli, Leana <Leana.Vivarelli@act.gov.au>

Sent: Wednesday, 14 June 2023 4:42 PM

To: PCO <PCO@act.gov.au>

Subject: Government Procurement Board appointment repealing a notifiable instrument

OFFICIAL

Good afternoon team,

I am seeking your advice on repealing a notifiable instrument for a Public Employee member of the Government Procurement Board.

Mr Damon Hall's appointment is expiring in July 2023, however he has resigned from the ACTPS, his last day is this Friday 16 June 2023. He has formally resigned from the Board and a thank you letter from the SMOs has been forwarded to him today.

Could you please let me know what the procedure is to repeal the NI of his appointment?

Many thanks in advance for your advice
Lea

Leana Vivarelli | Assistant Director, Procurement ACT

Phone 02 6205 1387 | Email: leana.vivarelli@act.gov.au

Procurement ACT | Chief Minister, Treasury and Economic Development Directorate | ACT Government

GPO Box 158, Canberra City | www.act.gov.au

Please consider the environment before printing this email.

I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.