

Document Category: Ministerial Briefs

Title of document: Chief Minister Question Time Briefs March 2021

Description of the information

The original version of these Question Time Briefs contained some information the release of which would be contrary to the public interest. This information included number of referrals that had some aspect of sexual harassment alleged. The information that poses a risk of re-identification of individuals when cross-referenced with other available information and has been withheld from disclosure 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 the release of these briefs would increase transparency and accountability of the government.

Factors favouring nondisclosure (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:

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

Having reviewed the Question Time Briefs and noting the matters that are covered, I am satisfied that the release of the number of referrals that had some aspect of sexual harassment alleged could reasonably be expected to prejudice individuals' right to privacy. 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, I consider the majority of the information in the Question Time Briefs should be released in the public interest, however the information on the number of referrals that had some aspect of sexual harassment alleged is contrary to the public interest information.

Authorised by:

A handwritten signature in black ink, appearing to be 'HJ', written in a cursive style.

Heather Johnston
Information Officer

3 March 2026

Chief Minister
Question Time Briefs
March 2021

Ref No	Page number	Title	Status	Reason for Exemption
1	4	EPIC Expansion – Election Commitment LAB 056	Full	n/a
2	6	Sexual Harassment Complaints Handling in the ACTPS	Partial	Sch2.2(a)(ii)
3	8	Handling of Conflicts of Interest in the ACTPS	Full	n/a
4	10	ACTPS Enterprise Bargaining Agreements	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: Chief Minister
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.
- 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.
- Venues Canberra have prepared a brief seeking agreement from the Chief Minister to undertake design works and engage a quantitative surveyor for options for the build of a 10,000m² facility.

Key Information

- As part of the 2021-2022 budget process, Venues Canberra will put forward a business case for the redevelopment of EPIC. All options within the business case will include a 10,000 m² indoor venue.
- Venues Canberra completed in early February 2021, an internal options analysis to investigate potential sites for a new 10,000m² indoor venue at EPIC.
- 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 has been included as part of the business case.

Background Information

- 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 consultation with CSD will commence during phase 1 of the EPIC Expansion project. This will include a review of all stakeholders needs and development of design response.

Cleared as complete and accurate: 17/03/2021
Cleared for public release by: Executive Group Manager Ext: 76518
Contact Officer name: Matthew Elkins Ext: 66708
Lead Directorate: Chief Minister, Treasury and Economic Development
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- Consultation will also occur with key event precinct stakeholders such as the Royal National Agricultural Society, Summernats and the National Folk Festival.

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Contact Officer name: Matthew Elkins Ext: 66708
Lead Directorate: Chief Minister, Treasury and
Economic Development
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CM21/15684

Portfolio/s: Chief Minister

Sexual harassment complaints handling in the ACTPS

Talking points:

- ACT Public Service (ACTPS) employees have the right to work in an environment free from work bullying, discrimination and harassment; and to be treated with dignity and respect.
- The ACTPS is committed to building positive work environments where inappropriate behaviour or misconduct, such as workplace bullying and sexual harassment, is not tolerated.
- All sexual harassment complaints are treated seriously and with strict confidentiality. Where a complaint suggests potential trauma to an employee, the ACTPS ensures that employees are aware of, and have access to, appropriate support services.
- There are a number of different avenues available for ACTPS employees to report a workplace issue, including a sexual harassment complaint. These avenues include speaking with their manager, their HR team, RED Contact Officers and via the Riskman reporting system.
- ACTPS Enterprise Agreements outline processes for complaints management. When complaints are received, whether relating to sexual harassment or otherwise, a Preliminary Assessment is first conducted by the relevant manager/supervisor.
- Where potential misconduct is uncovered, the matter is referred to a delegate of the Head of Service. The delegate will then determine the most appropriate action to resolve the issue, noting there are a range of possible outcomes. Should the delegate determine that an investigation is required the matter will be referred to the Public Sector Standards Commissioner (Professional Standards Unit) for formal investigation.
- Where potential criminal offences are identified, the matter is referred to ACT Policing.

Key Information

- Under the current ACTPS Framework for managing allegations of misconduct, matters may be managed within public sector entities and may not progress to a referral to the ACT Public Sector Standards Commissioner. As a result there is no central database to record all complaints (sexual harassment or otherwise) received by the various public sector entities. However, records are maintained by the Professional Standards Unit in relation to matters that are referred to that unit for formal investigation.

Cleared as complete and accurate:	25/03/2021	Damian West
Cleared for public release by:	Deputy Director-General	Ext:75397
Contact Officer name:	Denise Ernst	Ext:75995
Lead Directorate:	Chief Minister, Treasury and Economic Development	
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- Of the 65 referrals received by ACT Public Sector Standards Commissioner during FY 2019-20, ^{Sch 2.2(a)(ii)} had some aspect of sexual harassment alleged.

Background Information

- The ACTPS is committed to fostering an inclusive work environment where employee differences are respected, valued and utilised to improve our policy and programs for the community.
- The Respect Equity and Diversity (RED) Framework was introduced in 2010 to ensure ACTPS work environments are positive, respectful, supportive and fair for all employees. The RED framework ensures all ACTPS employees, irrespective of their position, background or individual differences are clear on how to model the ACTPS values and general obligations of employees as described in the *Public Sector Management Act 1994*.
- During 2019-20, all Directorates provided RED specific training to employees, with approximately 976 staff undertaking this training.
- RED Contact Officers (REDCOs) were introduced in each ACTPS directorate under the RED Framework in 2011. REDCOs provide information to staff seeking a solution to improve or resolve a workplace issue or situation, which may relate to inappropriate behaviour or misconduct. REDCOs also:
 - raise awareness of the importance of respect, equity and diversity in the workplace;
 - promote and model the ACTPS Values and Signature Behaviours;
 - provide information to employees who contact them who may be experiencing workplace issues that are inappropriate in nature or may constitute misconduct, including work bullying, discrimination or harassment; and
 - support the development of a positive workplace culture by participating in activities such as Harmony Day and promoting RED principles within their own work area.
- The process for handling sexual harassment complaints is the same as the process for other complaints received within public sector entities

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Cleared for public release by:	Deputy Director-General	Ext:75397
Contact Officer name:	Denise Ernst	Ext:75995
Lead Directorate:	Chief Minister, Treasury and Economic Development	
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CM21/15629

Portfolio/s: Chief Minister

Handling of conflicts of interest in the ACTPS

Talking points:

- A new whole-of-government conflicts of interest policy is under development. Stakeholder consultation occurred last year, and the policy is due to be released imminently.
- Directorates have their own conflict of interest policies and procedural documents, which are available on their internal intranet sites.
- All Directorates maintain internal conflicts of interest registers.
- All executives must make a declaration of interest on engagement, every 12 months thereafter and following a change in their circumstances.
- In December 2020, the Probity in Procurement Guide was released. The Guide provides guidance to employees on probity and ethical behaviour in procurement processes, including the management of conflicts of interest.
- Directorates offer and promote fraud and ethics training sessions, which include information on the obligations on employees to identify, disclose and manage conflicts of interest.
- Directorates have Fraud and Corruption Prevention Plans in place which outline the overarching policy principles to manage corruption risk and foster a culture of integrity.

Key information

- The *Public Sector Management Act* places the obligation to disclose and manage conflicts of interest on individual employees.
- All executives are required to complete a Disclosure of Private Interests (DPI) on engagement, every 12 months thereafter and following a change in their circumstances. Executives are not only required to disclose their interests, but also take any reasonable steps to identify and manage a conflict, or the appearance of a conflict.

Background information

- Section 9 of the *Public Sector Management Act* outlines the expectations of public servants' conduct and behaviours including, but not limited to, taking all reasonable steps to avoid a conflict of interest and to declare or manage a conflict of interest that cannot reasonably be avoided.

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Cleared for public release by: Deputy Director-General Ext: 75397
Contact Officer name: Dr Damian West Ext: 75397
Lead Directorate: Chief Minister, Treasury and Economic Development

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- Section 46 of the Public Sector Management Standards provides that SES members must disclose material interests. Executives are notified of their obligations in their letter of offer.
- The Probity in Procurement Guide was developed by Procurement ACT, Chief Minister, Treasury and Economic Development and is available online:
https://www.procurement.act.gov.au/_data/assets/pdf_file/0009/1689678/Probity-in-Procurement-Guide-December-2020-v.1.0.pdf

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Contact Officer name: Dr Damian West Ext: 75397
Lead Directorate: Chief Minister, Treasury and
Economic Development

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CM21/16050

Portfolio/s: Chief Minister

ISSUE: ACTPS ENTERPRISE BARGAINING AGREEMENTS

Talking points:

- Enterprise bargaining is an opportunity to support change and strengthen ACTPS employment arrangements.
- The Government remains committed to a consultative and inclusive approach to industrial relations.
- In previous bargaining rounds the Government has provided generous increases to pay and superannuation, and also improved the terms and conditions of employment enjoyed by the Government's workforce.
- This has supported our ability to attract and retain workers which ensures that we have the right people on board to provide services to the ACT community.
- With the exception of the Fire Fighters' and Teachers' agreements, all ACTPS enterprise agreements expire on 31 October 2021. The *Fair Work Act 2009* provides that an expired agreement continues in force until replaced.
- The issuing of the formal paperwork to commence bargaining has begun.
- Bargaining meetings are expected to commence in mid-April 2021.
- The Government looks forward to working with workers and their unions to achieve good outcomes for the community.

Background Information

- The current enterprise agreements require bargaining commence by the end of February 2021. It will commence slightly later than that, but that time will be made up.
- The aim is to have bargaining complete by the expiration of the current agreements (31 October 2021), but that will depend on the complexity of the claims made.

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Cleared for public release by: Deputy Director-General Ext: 75397
Contact Officer name: Dr Damian West Ext: 75397
Lead Directorate: Chief Minister, Treasury and
Economic Development

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