



Triple Bottom Line (TBL) Assessment Summary

The Triple Bottom Line Assessment is required to be published in accordance with Part 4, section 23 (1)(b) of the Freedom of Information Act 2016

19/747 Government Response to the Standing Committee on Public Accounts Inquiry into Auditor-General's Report 07/2016: Certain Land Development Agency Acquisitions

Summary of impacts: The proposed Government response is administrative in nature and does not have a regulatory impact.

- There are no gender equality impacts arising from the Government response.
- The proposed Government response has a positive engagement with the following areas: justice and crime, employment and labour force, competition and procurement.

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| Level of impact | Positive | Negative | Neutral |
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| Social | | |
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| Level of impact | Impact | Summary |
| Neutral | Gender equality | <ul style="list-style-type: none"> • The proposed Government response does not have an impact on gender equality. |
| Neutral | Justice and crime | <ul style="list-style-type: none"> • The Committee recommended that the ACT Government conduct all negotiations for acquisitions, or any other contractual matter, in a manner consistent with clause 3.1 of the Law Officer (Model Litigant) Guidelines 2010 (No 1) and the principles of the Guidelines more generally (recommendation 4). • The Government agreed in principle to recommendation 4. The ACT Government is committed to conducting negotiations fairly and in consistency with applying the principles of the Model Litigant Guidelines, noting the guidelines apply to the conduct of claims and litigation not commercial negotiations, and many aspects of Clause 3.1 are not relevant to front-end legal work such as commercial negotiations or acquisitions. • The Committee recommended that the ACT Government define and apply appropriate sanctions for staff who do not comply with legislatively defined processes for responding to requests for information under the <i>Freedom of Information Act 2016</i> (recommendation 11). • The Government agreed in principle to recommendation 11. The Government agrees with the need for compliance with the <i>Freedom of Information Act 2016</i>. The Freedom of Information Act already |

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| | | <p>includes a range of offences for failing to comply with that Act, for example, making a decision contrary to the Act, giving a direction to act contrary to the Act and failing to identify information Further, the <i>Public Sector Management Act 1994</i> provides for a public service code of conduct and misconduct procedures for failing to comply with it.</p> <ul style="list-style-type: none"> • The Committee recommended that the ACT Integrity Commission investigate the four acquisitions and any other matters raised in the Committee's report. The Government noted that the Committee may refer matters to the ACT Integrity Commission. |
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| Economic | | |
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| Level of impact | Impact | Summary |
| Neutral | Employment and labour force | <ul style="list-style-type: none"> • The Committee recommended that the Government clarify principles and constraints for the hire and retention of contractors so that government agencies will not re-hire recent employees as contractors (recommendation 12). • The Government agreed in principle to recommendation 12. Secure employment is the highest priority for the Government. However operational circumstances may mean it will be prudent for Government agencies to take advantage of skills and expertise of former staff. The ACT Government is governed by the <i>Government Procurement Act 2001</i> and the <i>Government Procurement Regulation 2007</i>. The ACT Government also implemented the ACT Public Sector – Commercial Engagements with former ACT Public Service Executive policy, which introduced additional considerations to manage the potential for conflicts of interest when engaging former executive employees. |
| Positive | Competition | <ul style="list-style-type: none"> • The Committee recommended that the ACT Government commission formal valuations for all purchases of land by the ACT Government, paid for at market rate (recommendation 1). • The Committee recommended that the ACT Government obtain at least two valuations current at time of purchase when it seeks to acquire land (recommendation 2). • The Government agreed to recommendation 1 and agreed in principle to recommendation 2. In April 2017 the ACT Government introduced the Portfolio Valuations Policy (PVP) which requires formal valuations prior to land transactions. The PVP is reviewed regularly. The PVP requires two valuations be obtained, one of which may be obtained by the seller. If no valuation is obtained by the seller, then the ACT Government must obtain two. |

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| Neutral | Procurement | <ul style="list-style-type: none"> • The Committee recommended that the ACT Government, when seeking to secure services to government in the property sector other than valuations, such as training and liaison with prospective sellers, to obtain these under formal contract (recommendation 3). The Government agreed in principle to this recommendation. The ACT Government already follows the requirements of the <i>Government Procurement Act 2001</i> and the <i>Government Procurement Regulation 2007</i> when procuring services. Depending on the nature and value of the services being supplied, it is generally preferable that services are supplied under a written agreement. Entering formal contracts, where the expectations of each party are clearly described, also supports an appropriate level of governance in relation to those arrangements. |
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| Environmental | Nil impact |
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