

Freedom of Information Publication Coversheet

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

FOI Reference: CMTEDDFOI 2022-178

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	N/A
6. Processing time (in working days)	40
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

Cc:

Subject: FOI Request | Correspondence Between Special Minister for State and Government Procurement Board

Date: Thursday, 9 June 2022 10:56:55 AM

Attachments: <u>image001.jpg</u>

Good Morning,

RE: FOI REQUEST – CORRESPONDENCE BETWEEN MINISTER STEEL & GOVERNMENT PROCUREMENT BOARD

I write to request under the *Freedom of Information Act 2016* a copy of any correspondence between the Special Minister for State, Minister Chris Steel, and the ACT Government Procurement Board from March 2020 until present. I wish my request to include but not to be limited to emails, documents, briefings and attachments.

Should yo	ou require	any further	information	or clarification	about my	request, plea	ise contact i	ny
office on								
Best,								



Our ref: CMTEDDFOI 2022-177



FREEDOM OF INFORMATION REQUEST

I refer to your request submitted under section 30 of the *Freedom of Information Act* 2016 (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 9 June 2022 in which you sought access to:

Any correspondence between the Special Minister for State, Minister Chris Steel, and the ACT Government Procurement Board from March 2020 until present.

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 on your access application by 8 July 2022 however, following on third-party consultation and an extension of time the due date is now 5 August 2022.

Third Party Consultation

In making this decision, I completed consultation with relevant third parties in accordance with section 38 of the Act. The views of the identified third parties were taken into account in making this decision.

Decision on access

Searches were completed for relevant documents and 17 documents were identified that fall within the scope of your request.

I have decided to grant full access to 12 documents and partial access to five documents as, on balance, some of the information contained is deemed to be contrary to the public interest in accordance with the test set out in section 17 of the Act.

My access decision is detailed further in the following statement of reasons in accordance with section 54(2) of the Act.

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,
- views of third parties consulted, and
- the Human Rights Act 2004.

Exemption claimed

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

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

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 nondisclosure.

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 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
- I consider release of the information within scope of your request would reasonably be considered to promote discussion of public affairs and enhance the government's accountability. I reflect that release of documents concerning the ACT Government Procurement Board, especially information about appointments and resignations will help to enhance transparency of government appointments.

I am satisfied that this factor favouring disclosure carries some weight. However, this weight is to be balanced against the factors favouring nondisclosure.

Factors favouring nondisclosure in the public interest under Schedule 2.2:

(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

However, when considering the factor for disclosure against the factors favouring nondisclosure, I am satisfied that the protection of an individual's right to privacy is a more significant factor as the parties involved have provided their personal information for the purposes of appointment with the ACT Government. This in my opinion, outweighs the benefit which may be derived from releasing the personal information of the individuals involved in this matter. These individuals are entitled to expect that the personal information they have supplied as part of this process will be dealt with in a manner that protects their privacy.

Having applied the test outlined in section 17 of the Act and deciding that release of personal 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.

Charges

Processing charges are not applicable for this request because the number of pages to be released to you is below the charging threshold of 50 pages.

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 on the CMTEDD disclosure log three days after the date of my decision. Your personal contact details will not be published.

You may view CMTEDD disclosure log at https://www.cmtedd.act.gov.au/functions/foi.

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 Level 4, 1 Moore St 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 me by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,

Katharine Stuart
Information Officer

12) Just

Chief Minister, Treasury and Economic Development Directorate

05 August 2022



FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
Any correspondence between the Special Minister for State, Minister Chris Steel, and the ACT Government Procurement Board from March 2020 until	CMTEDDFOI 2022-178
present.	

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	Letter	14 Sep 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
2	2-5	Proposed Survey Questions as attachment to above letter	14 Sep 2020	Full release	N/A	Yes
3	6	Email	31 Oct 2021	Full release	N/A	Yes
4	7-8	Letter as attachment to above email	1 Nov 2021	Full release	N/A	Yes
5	9	Email	31 Oct 2021	Full release	N/A	Yes
6	10-11	Letter as attachment to above email	1 Nov 2021	Full release	N/A	Yes
7	12	Email	26 Aug 2021	Partial release	Sch 2 s2.2 (a)(ii)	Yes
8	13-15	Letter as attachment to above email	26 Aug 2021	Partial release	Sch 2 s2.2 (a)(ii)	Yes
9	16	Email	2 Mar 2021	Full release	N/A	Yes
10	17	Letter as attachment to above email	2 Mar 2021	Partial release	Sch 2 s2.2 (a)(ii)	Yes
11	18-22	Ministerial Brief	22 Apr 2021	Full release	N/A	Yes
12	23	Email	9 Jun 2021	Full release	N/A	Yes
13	24	Letter as attachment to above email and brief	9 Jun 2021	Full release	N/A	Yes
14	25-27	Ministerial Brief	17 Dec 2020	Full release	N/A	Yes

15	28	Letter as attachment to above brief	24 Nov 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
16	29	Email	13 Jan 2021	Full release	N/A	Yes
17	30	Letter as attachment to above email and brief	13 Jan 2021	Full release	N/A	Yes

Total No of Docs

17





Mr Chris Steel MLA Special Minister of State GPO Box 1020 Canberra ACT 2601

Dear Minister

Government Procurement Board Survey of Past Proponents

In 2020, the Government Procurement Board (the Board) undertook a short survey of past proponents to obtain feedback on how the Board has evolved to add value and where improvements could be made.

I am seeking your feedback and approval for the Board to undertake a short survey with past proponents again this year. A list of proposed questions attached to this letter for your consideration.

If you would like to discuss this request further, please contact me on 02 6207 2242 or Bettina.Konti@act.gov.au.

Yours sincerely



Bettina Konti Chair of the Government Procurement Board 14 September 2020

Proposed 2021 Survey Questions

- 1. Please identify which directorate/agency you are from:
 - a. ACT Health Directorate
 - b. ACT Integrity Commission
 - c. ACT Legislative Assembly
 - d. Canberra Health Services
 - e. Chief Minister, Treasury and Economic Development Directorate
 - f. Community Services Directorate
 - g. Cultural Facilities Corporation
 - h. Education Directorate
 - i. Environment, Planning and Sustainable Development Directorate
 - j. Housing ACT
 - k. Justice and Community Safety Directorate
 - I. Major Projects Canberra
 - m. Office of the Work Health and Safety Commissioner
 - n. Transport Canberra and City Services Directorate
- 2. Are you happy to provide your individual contact details?
 - a. Yes Please provide your name, email details, and position classification level e.g. SOGC(Note: if you provide your individual contact details, the Board might contact you to seek further feedback. We will not attribute your survey response or comments in any public documents.)
 - i. name:
 - ii. email:
 - iii. position level:
 - b. No I would like to remain anonymous
- 3. In the 2020-21 financial year, approximately how many times did you attend a Government Procurement Board meeting?
 - a. Did not attend
 - b. 1-5 times
 - c. 6-10 times
 - d. More than 10 times

If your answer to Question 3 is that you did not attend the Board in the 2020-21 financial year, thank you for participating in the survey - please click "Finish" to save your answers and exit the survey.

4. Of the below list, which of the following are you aware to be the functions of the Board (please select as many as apply)?

- a. to review, and give advice to territory entities on, procurement issues
- b. to review, and give advice on procurement proposals and activities referred to the Board by a Minister or responsible chief executive officer; or procurement proposals for procurement matters declared by the Minister
- c. to review procurement proposals of territory entities in accordance with the regulations
- d. to consider, advise on and, if appropriate, endorse procurement practices and methods for use by territory entities
- e. to provide advice to the Minister on any issue relevant to the procurement activities of territory entities or the operation of this Act
- f. to exercise any other function given to the Board under this Act or any other Territory Law
- 5. Which of the Board's functions would you like to know more about or access? (please select as many as apply)
 - a. to review, and give advice to territory entities on, procurement issues
 - b. to review, and give advice on procurement proposals and activities referred to the Board by a Minister or responsible chief executive officer; or procurement proposals for procurement matters declared by the Minister
 - c. to review procurement proposals of territory entities in accordance with the regulations
 - d. to consider, advise on and, if appropriate, endorse procurement practices and methods for use by territory entities
 - e. to provide advice to the Minister on any issue relevant to the procurement activities of territory entities or the operation of this Act
 - f. to exercise any other function given to the Board under this Act or any other Territory Law
- 6. If your answer to question 3 is that you attended the Board 1-5 times or more in the 2020-21 financial year, were you able to schedule a meeting with the Board in a timely manner to meet the requirements of your procurement?
 - a. Yes please go to question 9
 - b. No-please go to question 8
- 7. If you answered "No" to question 6, what do you think the Board needs to do to ensure timely access to the Board?
 - a. have more available meeting dates
 - b. Require proponents to come before the Board earlier or at different points in a procurement process
 - c. Other please specify <open text box>
- 8. Other than timing, were there any other factors that affected your interaction with the Board?

- a. No please go to question 10
- b. Yes, please describe what those factors were [please select as many as apply]:
 - i. Lack of skilled staff to prepare material for the Board
 - ii. Lack of guidance on what to bring to the Board
 - iii. Other please describe <open text box>
- 9. In relation to your attendance at the Board, please select the extent to which you agree with the statement: "I found the Board's advice useful".
 - a. Strongly agree
 - b. Agree
 - c. Neither agree nor disagree
 - d. Disagree
 - e. Strongly disagree
- 10. If your answer to question 9 was any of "neither agree nor disagree" "Disagree" or "Strongly disagree", please provide details as to your reasons for responding in that way:

<open text box>

- 11. If your answer to question 9 was "neither agree nor disagree" "Agree" or "Strongly agree", overall to what extent did you follow the Board's advice?
 - a. I followed all of the Board's advice all of the time
 - b. I followed all of the Board's advice some of the time
 - c. I followed some of the Board's advice all of the time
 - d. I followed some of the Board's advice some of the time
 - e. I never followed the Board's advice.
- 12. If your answer to question 11 was anything other than "I followed all of the Board's advice all of the time" what factors affected whether you followed the Board's advice?
 - The Board's advice did not consider all the relevant factors for my procurement
 - b. The Board's advice was too complex to follow
 - c. The Board's advice was irrelevant to my procurement
 - d. There was no time to follow the Board's advice
 - e. The delegate for the procurement did not wish to follow the Board's advice
 - f. Other please specify <open text box>

The next four questions relate to the remainder of your procurement process for the procurement(s) that you referred to the Board.

- 13. Overall, to what extent did you meet the procurement timeframes that were presented to the Board?
 - a. All of the time
 - b. Most of the time
 - c. Some of the time
 - d. Rarely
 - e. Never
- 14. If your answer to question 13 was anything other than "all of the time" please explain what factor(s) affected the timeframes [please select as many as apply].
 - a. Approach to market took longer than expected
 - b. Evaluation took longer than expected
 - c. Obtaining delegate approval took longer than expected
 - d. Obtaining ministerial approval took longer than expected
 - e. Obtaining budget took longer than expected
 - f. Obtaining/implementing independent advice took longer than expected
 - g. Contract negotiations took longer than expected
 - h. Other please specify <open text box>
- 15. Overall, did the procurement(s) referred to the Board achieve the intended outcomes?
 - a. Yes please go to question 16
 - b. No please specify why the intended outcomes were not achieved <open text box>
- 16. Do you think that your procurement(s) have successfully considered and implemented the Procurement Value(s) that had been nominated in the documents presented to the Board (please select as many as apply).
 - a. Yes
 - No please specify why the nominated Procurement Value(s) were not achieved <open text box>

From: "STEEL" <STEEL@act.gov.au>

Sent: 31/10/2021 10:29 PM

To: "Sabellico, Anne Maree" < AnneMaree. Sabellico@act.gov.au>

Subject: Letter from the Special Minister of State

Attachments: Signed Att 4b - Congratulations Letter - Anne-Maree Sabellico.pdf

Good morning,

Please see the attached letter from Minister Chris Steel.

Kind regards,

Office of Chris Steel MLA

Minister for Transport and City Services
Minister for Skills
Special Minister of State
ACT Legislative Assembly
GPO Box 1020, CANBERRA, ACT 2601 Australia
steel@act.gov.au | 02 6205 1470





Chris Steel MLA

Minister for Transport and City Services Minister for Skills Special Minister of State

Member for Murrumbidgee

Ms Anne-Maree Sabellico Deputy Director-General Community Services Directorate annemaree.sabellico@act.gov.au

Dear Ms Saberlico Anne - Marce

I am pleased to advise that you have been appointed as a member of the ACT Government Procurement Board for a term of two years commencing 26 October 2021.

The Board performs an important role in reviewing and giving advice on government procurement proposals, in accordance with its functions as set out in the *Government Procurement Act 2001* (the Act) and the *Government Procurement Regulation 2007*.

Under the Act and other relevant legislation, Directors General have responsibility for delivering on individual procurements and complying with other related legislative and policy requirements. However, the Board's role of advising Territory entities on procurement proposals above the relevant thresholds gives it an important, valuable and broad view of procurement activities and processes across government.

The relevant sections of the legislation with regards to proposals that come before the Board are as follows:

Procurement proposals of territory entities—Act, s6(c)

- (1) The following procurement proposals of territory entities must be reviewed by the board:
 - (a) a procurement proposal that has a total estimated value of \$5 million or more, unless the proposal is covered by an endorsed strategic procurement plan;
 - (b) a procurement proposal of a territory entity (other than an administrative unit) that has a total estimated value of \$1 million or more, unless the proposal is covered by an endorsed strategic procurement plan;
 - (c) a procurement proposal in relation to information and communications technology that includes an element of system development or redesign and has a total estimated value of \$1 million or more;
 - (d) a disposal that has a total estimated value of \$1 million or more.

ACT Legislative Assembly London Circuit, GPO Box 1020, Canberra ACT 2601

+61 2 6205 1470

steel@act.gov.au

ChrisSteelMLA

chrissteellabor

chrissteelmla

(2) In this section:

endorsed strategic procurement plan means a procurement plan that—

- (a) states that it applies to separate procurement proposals, or activities, of a stated kind; and
- (b) has been endorsed by the board as a strategic procurement plan.

(12) Procurement proposals—minimum requirements

- (1) This section applies to a procurement proposal that may be reviewed by the board.
- (2) The procurement proposal must—
 - (a) address the matters the entity must have regard to under the Act, section 22A (3) (Procurement principle—value for money); and
 - (b) include—
 - (i) the evaluation methodology to be used to decide the successful supplier; and
 - (ii) the evaluation criteria to be applied to the procurement; and
 - (iii) the contract management arrangements to be applied to the procurement.

In his role as Executive Group Manager of Procurement ACT, Mr Glenn Bain is responsible for the administration of the Act, and has responsibility for briefing me on policy matters, developing guidance on procurement activity, and providing procurement support to Territory entities. I encourage you and your fellow members of the Board to engage with Mr Bain and his team where appropriate.

I am aware the Board has taken an increasing interest in agencies' anticipated procurement activity with a view to assisting them in taking a strategic approach to their procurement planning. I support these efforts along with other initiatives to strengthen processes across government, and encourage you to provide advice and support to Procurement ACT in developing improvements to the management and reporting of procurements.

If you have any questions about the Board, please contact Mr Glenn Bain on (02) 6207 6569 or Glenn.Bain@act.gov.au or the Secretariat, Ms Charlotte Smith on (02) 6207 0254 or governmentprocurementboard@act.gov.au.

I anticipate a productive and successful period for the Government Procurement Board, and look forward to continuing to working with you in your role as a member of the Board.

Yours sincerely

Chris Steel MLA Special Minister of State

1 November 2021

From: "STEEL" <STEEL@act.gov.au>

Sent: 31/10/2021 10:29 PM

To: "Oldfield, Meghan" < Meghan. Oldfield@act.gov.au>

Subject: Letter from the Special Minister of State

Attachments: Signed Att 4a - Congratulations Letter - Meghan Oldfield.pdf

Good morning,

Please see the attached letter from Minister Chris Steel.

Kind regards,

Office of Chris Steel MLA

Minister for Transport and City Services
Minister for Skills
Special Minister of State
ACT Legislative Assembly
GPO Box 1020, CANBERRA, ACT 2601 Australia
steel@act.gov.au | 02 6205 1470





Chris Steel MLA

Minister for Transport and City Services Minister for Skills Special Minister of State

Member for Murrumbidgee

Ms Meghan Oldfield Executive Group Manager – Business Services Division Education Directorate Meghan.oldfield@act.gov.au

Dear Ms Oldfield Meghan

I am pleased to advise that you have been appointed as a member of the ACT Government Procurement Board for a term of two years commencing 26 October 2021.

The Board performs an important role in reviewing and giving advice on government procurement proposals, in accordance with its functions as set out in the *Government Procurement Act 2001* (the Act) and the *Government Procurement Regulation 2007*.

Under the Act and other relevant legislation, Directors General have responsibility for delivering on individual procurements and complying with other related legislative and policy requirements. However, the Board's role of advising Territory entities on procurement proposals above the relevant thresholds gives it an important, valuable and broad view of procurement activities and processes across government.

The relevant sections of the legislation with regards to proposals that come before the Board are as follows:

Procurement proposals of territory entities—Act, s6(c)

- (1) The following procurement proposals of territory entities must be reviewed by the board:
 - (a) a procurement proposal that has a total estimated value of \$5 million or more, unless the proposal is covered by an endorsed strategic procurement plan;
 - (b) a procurement proposal of a territory entity (other than an administrative unit) that has a total estimated value of \$1 million or more, unless the proposal is covered by an endorsed strategic procurement plan;
 - (c) a procurement proposal in relation to information and communications technology that includes an element of system development or redesign and has a total estimated value of \$1 million or more;
 - (d) a disposal that has a total estimated value of \$1 million or more.

ACT Legislative Assembly London Circuit, GPO Box 1020, Canberra ACT 2601

+61 2 6205 1470

Steel@act.gov.au

ChrisSteelMLA

Chrissteellabor

chrissteelmla

(2) In this section:

endorsed strategic procurement plan means a procurement plan that—

- (a) states that it applies to separate procurement proposals, or activities, of a stated kind; and
- (b) has been endorsed by the board as a strategic procurement plan.

(12) Procurement proposals—minimum requirements

- (1) This section applies to a procurement proposal that may be reviewed by the board.
- (2) The procurement proposal must—
 - (a) address the matters the entity must have regard to under the Act, section 22A (3) (Procurement principle—value for money); and
 - (b) include—
 - (i) the evaluation methodology to be used to decide the successful supplier; and
 - (ii) the evaluation criteria to be applied to the procurement; and
 - (iii) the contract management arrangements to be applied to the procurement.

In his role as Executive Group Manager of Procurement ACT, Mr Glenn Bain is responsible for the administration of the Act, and has responsibility for briefing me on policy matters, developing guidance on procurement activity, and providing procurement support to Territory entities. I encourage you and your fellow members of the Board to engage with Mr Bain and his team where appropriate.

I am aware the Board has taken an increasing interest in agencies' anticipated procurement activity with a view to assisting them in taking a strategic approach to their procurement planning. I support these efforts along with other initiatives to strengthen processes across government, and encourage you to provide advice and support to Procurement ACT in developing improvements to the management and reporting of procurements.

If you have any questions about the Board, please contact Mr Glenn Bain on (02) 6207 6569 or Glenn.Bain@act.gov.au or the Secretariat, Ms Charlotte Smith on (02) 6207 0254 or governmentprocurementboard@act.gov.au.

I anticipate a productive and successful period for the Government Procurement Board, and look forward to continuing to working with you in your role as a member of the Board.

Yours sincerely

Chris Steel MLA Special Minister of State

1 November 2021

From: "STEEL" <STEEL@act.gov.au>

Sent: 26/08/2021 4:31 AM

To: Schedule 2.2(a)(ii)

Subject: Letter from the Special Minister of State

Attachments: Signed Att B - Letter to Ms Nethercott-Watson.PDF

Good afternoon,

Please see the attached letter from Minister Chris Steel.

Kind regards,

Office of Chris Steel MLA

Minister for Transport and City Services
Minister for Skills
Special Minister of State
ACT Legislative Assembly
GPO Box 1020, CANBERRA, ACT 2601 Australia
steel@act.gov.au | 02 6205 1470





Chris Steel MLA

Minister for Transport and City Services Minister for Skills Special Minister of State

Member for Murrumbidgee

Ms Suzy Nethercott-Watson

Email: Schedule 2.2(a)(ii)

Dear Ms Nethercott-Watson

I am pleased to officially advise you that I have re-appointed you as a member of the ACT Government Procurement Board for a term of two years commencing on 10 September 2021.

As you know, the Board performs an important role in reviewing and giving advice on government procurement proposals, in accordance with its functions as set out in the *Government Procurement Act 2001* (the Act) and the *Government Procurement Regulation 2007*.

Under the Act and other relevant legislation, Directors General have responsibility for delivering on individual procurements and complying with other related legislative and policy requirements. However, the Board's role of advising Territory entities on procurement proposals above the relevant thresholds, gives it an important, valuable and broad view of procurement activities and processes across government.

The relevant sections of the legislation with regard to what proposals come before the Board and what information are as follow:

Procurement proposals of territory entities—Act, s 6 (c)

- (1) The following procurement proposals of territory entities must be reviewed by the board:
 - (a) a procurement proposal that has a total estimated value of \$5 million or more, unless the proposal is covered by an endorsed strategic procurement plan;
 - (b) a procurement proposal of a territory entity (other than an administrative unit) that has a total estimated value of \$1 million or more, unless the proposal is covered by an endorsed strategic procurement plan;

ACT Legislative Assembly London Circuit, GPO Box 1020, Canberra ACT 2601

#61 2 6205 1470 steel@act.gov.au

ChrisSteelMIA chrissteellabor chrissteelmla

- (c) a procurement proposal in relation to information and communications technology that includes an element of system development or redesign and has a total estimated value of \$1 million or more;
- (d) a disposal that has a total estimated value of \$1 million or more.
- (2) In this section:

endorsed strategic procurement plan means a procurement plan that—

- (a) states that it applies to separate procurement proposals, or activities, of a stated kind; and
- (b) has been endorsed by the board as a strategic procurement plan.

12 Procurement proposals—minimum requirements

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 - (b) include—
 - (i) the evaluation methodology to be used to decide the successful supplier; and
 - (ii) the evaluation criteria to be applied to the procurement; and
 - (iii) the contract management arrangements to be applied to the procurement.

In his role as Executive Group Manager of Procurement ACT, Mr Bain is responsible for the administration of the Act, and has responsibility for briefing me on policy matters, developing guidance on procurement activity, and providing procurement support to Territory entities. I encourage you and your fellow members of the Board to engage with Mr Bain and his team where appropriate.

I am aware the Board has taken an increasing interest in agencies' Annual Procurement Plans with a view to assisting them in taking a strategic approach to their procurement planning. I support these efforts along with other initiatives to strengthen processes across government, and encourage you to provide advice and support to Procurement ACT in developing improvements to the management and reporting of procurement through panel arrangements established and managed within Directorates, noting of course that the Board operates in an advisory capacity only.

If you have any questions about the Board, please contact Mr Glenn Bain ((02) 6207 6569 or Glenn.Bain@act.gov.au) or the Secretariat, Ms Charlotte Smith ((02) 6207 0254 or governmentprocurementboard@act.gov.au).

I anticipate a busy, but productive and successful period for the Government Procurement Board, and look forward to continuing to working with you in your role as a member of the Board.

Yours sincerely

Chris Steel MLA 26 August 2021 From: "Ford, Blake" <Blake.Ford@act.gov.au> on behalf of "Treasury DLO"

<TreasuryDLO@act.gov.au>

Sent: 02/03/2021 1:48 AM

To: "CMTEDD MLO" < CMTEDD.MLO@act.gov.au>

Cc: "Rowe, Shannon" <Shannon.Rowe@act.gov.au>;"Bain, Glenn" <Glenn.Bain@act.gov.au>;"Smith, Charlotte" <Charlotte.Smith@act.gov.au>;"Wilson, Ocean"

<Ocean.Wilson@act.gov.au>

Subject: NEW MINISTERIAL - Correspondence from Ms Jo Wood, Director General, Community

Services Directorate

Attachments: Ms Jo Wood- Resignation from ACT Procurement Board.pdf

OFFICIAL

Hi MLO Team

New Ministerial please to put in TRIM for allocation to: Procurement

Action required: Briefing, letter of acknowledgement and thanks by Minister Steel. Due to MO 16/3

Briefing should outline next steps to fill procurement board vacancy. To accompany letter of thanks to Ms Wood.

For all correspondence, please include an email address for the recipient.

If this has been allocated incorrectly, or you require input from another directorate, please advise ASAP.

Regards

Blake Ford | Directorate Liaison Officer - Treasury

Office of the Chief Minister | Office of Minister Gentleman | Office of Minister Steel | Office of Minister Berry

Chief Minister, Treasury and Economic Development Directorate | ACT Government

Phone: +61 2 6205 3033 | Mobile:

Email: TreasuryDLO@act.gov.au | ACT Legislative Assembly | www.act.gov.au

Please consider the environment before printing this email. If printing is necessary, print double-sided and black and white.

From: Stapleton, Kara < Kara. Stapleton@act.gov.au> On Behalf Of Wood, Jo

Sent: Tuesday, 2 March 2021 10:10 AM

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

Subject: Correspondence from Ms Jo Wood, Director General, Community Services Directorate

OFFICIAL

Dear Minister Steel,

Please find attached signed correspondence on behalf of Jo Wood, Director General, Community Service Directorate confirming her resignation from the Government Procurement Board.

Kind regards

Kara Stapleton | Executive Assistant to Director General Jo Wood
Community Services Directorate | ACT Government
P 02 620 55334 | E kara.stapleton@act.gov.au

Level 9, 5 Constitution Avenue, Canberra City | GPO Box 158, Canberra ACT 2601 | www.act.gov.au



Mr Chris Steel MLA Special Minister of State ACT Legislative Assembly CANBERRA ACT 2601

Dear Minister Steel

Member 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.

Since my commencement in 2020, I have thoroughly enjoyed being a board member, the learnings and working with highly skilled members to achieve important outcomes for the ACT Government and ACT community.

My reason for resigning in 2021 is due to my commitments as a/g Director-General of the Community Service Directorate and the requirements of my current position.

I have discussed my intention with the current Chair, and we have agreed that I will cease being a member from 19 February 2021.

Once again, thank you for the privilege of serving the ACT community in this capacity.

Yours sincerely

Schedule 2.2(a)(ii)

JU VVUUU

a/g Director General Community Service Directorate 2 March 2021



Chief Minister, Treasury and Economic Development Directorate

То:	Special Minister of State	Tracking No.: CMTEDD2021/966
Date:	22/04/2021	
CC:	Head of Service	
From:	Executive Group Manager, Procureme	nt ACT
Subject:	Government Procurement Board – Ne	w Appointments and Thank you letter
Critical Date:	04/06/2021	
Critical Reason:	To enable selection processes to proce	eed.
UT 22/4	/21	

Recommendations

10/3/21...

DUT-CSI

That you:

1. Note Ms Louise Gilding (Deputy Chair) has resigned from Government Procurement Board on 24 November 2020 with a date of effect of 15 December 2020.

Noted / Please Discuss

2. Note Ms Jo Wood (Public Employee Member) has resigned from Government Procurement Board with a date of effect of 19 February 2021.

Noted / Please Discuss

3. Sign the thank you letter to Ms Jo Wood at Attachment A.

Signed / Not Signed / Please Discuss

Agree to appoint Mr Geoffrey Rutledge (currently a Public Employee Member) as
 Deputy Chair for a period of three years (subject to Cabinet and Committee processes).

Agreed / Not Agreed / Please Discuss

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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).

Agreed / Not Agreed / Please Discuss

 Agree to re-appoint Ms Suzy Nethercott-Watson (Non-Public Employee Member for another two years to 10 September 2023 (subject to Cabinet and Committee processes).

Agreed / Not Agreed / Please Discuss

Agree to advertise internally to Government to fill the two vacant Public Employee
 Member positions using the advertisement at <u>Attachment C</u>; and

Agreed / Not Agreed / Please Discuss

8. Note that following the advertisement period, the next steps involve shortlisting by a panel, consultation with the diversity offices before the selection process commences, and then seeking your preferences for the new Public Employee Member positions.

After which a Cabinet Appointment Paper will be prepared for your approval.

Noted / Please Discuss

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.
- 13. On 24 November 2020, Ms Louise Gilding (Deputy Chair) has resigned from the Government Procurement Board (the Board) with a date of effect of 15 December 2020.
- 14. Ms Jo Wood (Public Employee Member) has resigned from the Board with a date of effect of 19 February 2021. A thank you letter to Ms Wood for her time on the Board has been prepared at AttachmentA for your signature.

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

Position	Member
Chair	Bettina Konti
Deputy Chair	Vacant
Public Employee Member	Damon Hall
Public Employee Member	Geoffrey Rutledge
Public Employee Member	Vacant
Non Public Employee Member	Mathew Baldwin
Non Public Employee Member	Madeleine Taylor
Non Public Employee Member	Sue Hall
Non Public Employee Member	Suzy Nethercott-Watson

- 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
 - Ms Suzy Nethercott-Watson (Non Public Employee Member) on 10 September 2021.

Issues

- 18. It is recommended to re-appoint Mr Hall and Ms Nethercott-Watson to the Board for another two years.
 - Mr Hall and Ms Nethercott-Watson have already been members on the Board for three years so can only be re-appointed for another two years.
 - Mr Hall and Ms Nethercott-Watson have been consulted with and have agreed to be re-appointed (subject to Cabinet and Committee processes).
- 19. Following discussions between Mr Geoffrey Rutledge and myself, it is recommended to appoint Mr Geoffrey Rutledge as Deputy Chair of the Board for a period of three years. Mr Rutledge was appointed as a Public Employee Member to the Board in May 2020.
 - Mr Rutledge has been consulted with and has agreed to be appointed as Deputy Chair (subject to Cabinet and Committee processes).
- 20. It is recommended to advertise the two vacant Public Employee Member positions to

- all Executive Band 2 and 3 across the ACT Public Service, using the advertisement at Attachment C.
- 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:
 - · maintain gender balance;
 - With the departure of Ms Gilding and Ms Wood from the Board, there will be four female GPB members and three male GPB member remaining.
 - seek representation from officers across the ACT government to bring different perspectives to the Board; and
 - With the departure of Ms Gilding and Ms Wood from the Board, of the three remaining GPB public employee members, they come from the following directorates/agencies: Major Projects Canberra, Chief Minister, Treasury and Economic Development Directorate, and the Environment, Planning and Sustainable Development Directorate.
 - seek representation at the Senior Executive Band 3 level (to promote the importance of the role) with the required skill set to allow succession planning for the Chair and Deputy Chair positions.
 - With the departure of Ms Gilding and Ms Wood from the Board, of the three remaining GPB public employee members, one is a Band 2 (Mr Damon Hal) and two are Band 3s (Ms Bettina Konti and Mr Geoffrey Rutledge).
- 23. Once advertisement has taken place and a short list of candidates prepared, consultation with the diversity offices is required before the selection process commences (as per the Appointments, Boards and Committees in the ACT handbook). A brief will be provided for you to select your preferences. Once your preferences are known, . the Secretariat will prepare a Cabinet Appointment Paper for your endorsement.
 - Please note that the appointment and re-appointment of members need to be referred to the Legislative Standing Committee on Economic Development and Tourism. The Committee have 30 days to consider the proposed appointments.
 - Please also note that the Minister is the decision maker that appoints people to these positions and is only required to consult with Cabinet to seek their views. The appointments do not require Cabinet endorsement perse.

Financial Implications

24. Public Employee Members of the Board do not receive any remuneration for their

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participation.

- 25. The remuneration for non-public employee members of the board is determined from time to time by the ACT Remuneration Tribunal. Currently, non-public employee members are paid \$26,635 per annum. The latest determination can be viewed at: https://www.remunerationtribunal.act.gov.au/ data/assets/pdf file/0008/1623986/ Determination-13-of-2020-PTPOH.pdf
- 26. Remuneration for these members is paid from existing Procurement ACT resources and no further call on the budget arises as a result of these appointments.

Consultation

<u>Internal</u>

27. An advertisement for the two vacant positions is proposed to be circulated to all Executive Band 2 and 3 across the ACT Public Service.

Cross Directorate

28. An advertisement for the two vacant positions s proposed to be circulated to all Executive Band 2 and 3 across the ACT Public Service.

External

29. As the positions are public employee members, no external advertisement is required.

Work Health and Safety

30. Not applicable.

Benefits/Sensitivities

31. Not applicable.

Communications, media and engagement implications

32. Not applicable.

Signatory Name: Glenn Bain Phone: 76569

Action Officer: Charlotte Smith Phone: 70254

Attachments

Attachment	Title
Attachment A	Thank you letter to Ms Wood
Attachment B	GPB Skills and Composition Analysis
Attachment C	Advertisement for vacant Public Employee Member positions
Attachment C1	Position Description for vacant Public Employee Member positions

Tracking No.: CMTEDD2021/966 5

From: "STEEL" <STEEL@act.gov.au>

Sent: 09/06/2021 12:53 AM

To: "Wood, Jo" <Jo.Wood@act.gov.au>
Subject: Correspondence from Minister Steel

Attachments: Signed Attachment A- Thank you letter to Ms Wood.pdf

Good morning,

Please see the attached letter from Minister Chris Steel.

Kind regards,

Office of Chris Steel MLA

Minister for Transport and City Services
Minister for Skills
Special Minister of State
ACT Legislative Assembly
GPO Box 1020, CANBERRA, ACT 2601 Australia
steel@act.gov.au | 02 6205 1470





Chris Steel MLA

Minister for Transport and City Services Minister for Skills Special Minister of State

Member for Murrumbidgee

Ms Jo Wood Director-General Community Services Directorate

Email: jo.wood@act.gov.au

Dear Ms Wood

I am writing to thank you for the contribution you have made to the Government Procurement Board, since your appointment in 2020.

The Government Procurement Board performs an important role in advising agencies on their procurement activity, with regard to the Government's procurement objectives and framework. I would like to express my appreciation of your work in assisting the Board to provide timely, considered and contemporary advice to Directors-General in realising their desired procurement outcomes. I trust that you found your time on the Board to be interesting and fulfilling.

Thank you again for your commitment and contribution to the Board, and I look forward to continuing to work with you in other areas of the ACT Government.

Yours sincerely

Chris Steel MLA 9 June 2021

ACT Legislative Assembly London Circuit, GPO Box 1020, Canberra ACT 2601















Chief Minister, Treasury and Economic Development Directorate

То:	Special Minister of State	Tracking No.: CMTEDD2020/57/3
Date:	17/12/2020	
CC:		
From:	Executive Group Manager, Procurement AC	Т
Subject:	Government Procurement Board - Correspo Minister Steel – Response from Minister Ste	(T)
Critical Date:	11/01/2021	
Critical Reason:	The Minister has requested a response by th	nis date.
• UT//. • DUT-CSI//.		
Recommendations		
That you:		
1. Sign the att	tached thank you letter to Louise Gilding at At	ttachment B. Not Signed / Please Discuss
	formation contained in this brief around recr nposition of the Government Procurement Bo	
	Chris Steel MLA	8,1,20
Minister's Office Fee	edback	30 77

Tracking No.: CMTEDD2020/5773

Background

- 1. Ms Louise Gilding (Deputy Chair) has resigned from the Government Procurement Board (the Board) with her membership ending on Tuesday 15 December. A copy of her resignation letter to you is at <u>Attachment A</u> for your information.
- Ms Jo Wood (Public Employee Member) has indicated that in 2021 she may resign or
 otherwise seek a period of respite from her responsibilities on the Board due to the
 Board's workload and time commitment in addition to her position as Director-General
 of the Community Services Directorate.
- 3. There are also two more Board members who terms are coming to an end in 2021:
 - a. Mr Damon Hall (Public Employee Member) on 3 July 2021
 - b. Ms Suzy Nethercott-Watson (Non-Public Employee Member) on 10 September 2021.

Issues

- 4. A thank you letter from you to Ms Gilding thanking her for her time as Deputy Chair since 2018 has been prepared for your signature at Attachment B.
- 5. Procurement ACT will prepare a brief in the new year for your consideration around the options for recruiting to the vacant positions on the Board and seek your approval to commence the recruitment process. Procurement ACT needs to clarify positions on several matters first, including:
 - a. Analysis of the Board composition and skills requirements moving forward.
 - b. Consulting with the existing Public Employee Member if they would be interested in the position of Deputy Chair of the Board.
 - c. Consulting with Ms Nethercott-Watson if she would be interested in serving another two years on the Board (the maximum term permitted is five years and Ms Nethercott-Watson's current appointment was for three years).

Financial Implications

- 6. Public Employee Members of the Board do not receive any remuneration for their participation.
- 7. The remuneration for non-public employee members of the board is determined from time to time by the ACT Remuneration Tribunal. Currently, non-public employee members are paid \$26,635 per annum. The latest determination can be viewed at:

 https://www.remunerationtribunal.act.gov.au/ data/assets/pdf file/0003/1458804/

 Determination-13-of-2019-PTPOH.pdf
 - a. Remuneration for these members is paid from existing Procurement ACT resources and no further call on the budget arises as a result of these appointments.

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Consultation

Internal

8. Discussion of skills and experience required to best meet the needs of the Board, and initial identification of potential public employee candidates will be undertaken with the Chair of the Board, the Deputy Under Treasurer CSI, the Under Treasurer and the Head of Service as appropriate.

Cross Directorate

 An advertisement for the two vacant positions will be circulated to all Executive Band 2 and 3 officers across the ACT Public Service.

External

- 10. There will be no need for external advertisement of the public employee member positions.
- 11. Were a decision made not to re-appoint Ms Nethercott-Watson then a full recruitment process would be recommended, including public advertisement of the opportunity. Such a process was undertaken earlier this year which resulted in the appointment of the two newest members of the Board.

Work Health and Safety

12. Not applicable.

Benefits/Sensitivities

13. Not applicable.

Communications, media and engagement implications

14. Not applicable.

Signatory Name: Glenn Bain Phone: 76569

Action Officer: Charlotte Smith Phone: 70254

Attachments

Attachment	Title
Attachment A	Ms Louise Gilding – Resignation from the ACT Government
	Procurement Board
Attachment B	Thank you letter to Ms Gilding

Tracking No.: CMTEDD2020/5773



Mr Chris Steel MLA Special Minister of State ACT Legislative Assembly CANBERRA ACT 2601

Send to CMTEDD DLO for a response

Dear Minister Steel

Deputy Chair 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.

It has been a privilege to be the Deputy Chair of the Board since July 2018. The current Chair and members are highly skilled providing timely advice and insight to proponents. It has been rewarding to see how a renewed focus on social outcomes through procurement is delivering tangible results. On a personal level, the opportunity to be on the Board has provided a significant learning opportunity.

My reason for resigning is that in 2021 I am leading significant work in the Specialist Homelessness Sector which requires that I present to the Board on multiple occasions. While it is possible to manage this conflict of interest, my preference is not be a member of the Board during this time.

I have discussed my intention with the current Chair, and we have agreed that 15 December 2020 would be an appropriate last meeting.

Once again, thank you for the privilege of serving the ACT community in this capacity.

Yours sincerely

Schedule 2.2(a)(ii)

Louise Gilding
Executive Group Manager
Housing ACT
24 November 2020

From: "STEEL" <STEEL@act.gov.au>

Sent: 13/01/2021 3:30 AM

To: "Gilding, Louise" <Louise.Gilding@act.gov.au>
Subject: Correspondence from Minister Chris Steel MLA

Attachments: Thank you letter to Ms Gilding.pdf

Good Afternoon

Please find attached correspondence from Minister Steel.

Kind regards

Office of Minister Steel
Minister for Transport and City Services
Minister for Skills
Special Minister of State
steel@act.gov.au | 02 6205 1470



Chris Steel MLA

Minister for Transport and City Services Minister for Skills Special Minister of State

Member for Murrumbidgee

Ms Louise Gilding
Executive Group Manager, Housing
Community Services Directorate
Email: louise.gilding@act.gov.au

Dear Ms Gilding

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

The Government Procurement Board performs an important role in advising agencies on their procurement activity, with regard to the Government's procurement objectives and framework, and I would like to express my appreciation of your work in assisting the Board to provide timely, considered and contemporary advice to Directors-General in realising their desired procurement outcomes. I trust that you found your time on the Board to be interesting and fulfilling.

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

Yours sincerely

Chris Steel MLA

13 January 2021







