



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Disclosure Log Publication Coversheet

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

Application Details	
Ref. No.	CMTEDDFOI 2026-058
Date of Application	13 March 2026
Date of Decision	25 May 2026
Processing time (in working days)	48
Fees	Waived
Decision on Access	Partial Release
Information Requested (summary)	Documents relating to the procurement, engagement and payment of McGrath Nicol Advisory under contract GS0001732 to undertake a workplace investigation, workplace conduct review, workplace complaint.
Publication Details	
Original application	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision notice	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Documents and schedule	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision made by Ombudsman	N/A
Additional information identified by Ombudsman	N/A
Decision made by ACAT	N/A
Additional information identified by ACAT	N/A

From: [REDACTED]
To: [CMTEDD FOI](#)
Subject: CMTEDDFOI 2026-058 - Request to access documents under the Freedom of Information Act 2016 (ACT)
Date: Friday, 13 March 2026 7:02:20 PM

You don't often get email from [REDACTED]. [Learn why this is important](#)

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To Freedom of Information Officer, Chief Minister, Treasury and Economic Development

I request access to documents held by any member of the Legislative Assembly and Chief Minister, Treasury and Economic Development directorate relating to the procurement, engagement and payment of McGrathNicol Advisory under contract GS0001732 (including supplier lot GS0001732.105) or any other contracts, invoices or payments made to McGrathNicol Advisory.

SCOPE

This request covers all documents created or received between 1 January 2024 and December 2025 relating to any engagement of McGrathNicol Advisory (ABN 34 8247 769 37) to undertake a workplace investigation, workplace conduct review, workplace complaint, workplace complaint investigation, cultural review, organisational review or similar advisory service concerning the Office of the Chief Minister, Ministers or any other Ministerial staff.

This request includes documents held by CMTEDD relating to engagements undertaken under standing offer or panel arrangements, including any panel call-off under any contracts with McGrathNicol Advisory and/or contract GS0001732

Documents requested:

Without limiting the scope, I request:

1. Documents sufficient to show the procurement pathway used to engage McGrathNicol Advisory, including:
 - a. Procurement approvals or delegate approvals
 - b. Panel call-off documentation
 - c. Requests for quotation or limited tender documentation
 - d. Procurement exemption approvals if applicable.

2. Documents sufficient to show the engagement details, including:
 - a. Engagement letters, emails or consultancy agreements
 - b. Statements of work or investigation terms of reference
 - c. Scope documents or briefing notes provided to McGrathNicol Advisory

3. Documents sufficient to show the financial records of the engagement, including:
 - a. Purchase orders
 - b. Work orders
 - c. Contract reference numbers
 - d. Invoices submitted by McGrathNicol Advisory
 - e. Records of payments made
 - f. Procurement delegate approval minutes

4. Any reports, draft reports, findings or advice prepared by McGrathNicol Advisory relating to the engagements including but not limited to
 - a. Ministerial briefings
 - b. Legal advice
 - c. Communications with the chief ministers office, associated unions and other ministers or ministerial staff

5. Briefings, correspondence or internal memoranda concerning the engagements of McGrathNicol Advisory

SEARCH SCOPE

This request includes documents or information held in:

- Procurement and contract management systems
- Finance and invoice processing systems
- Ministerial office administration records
- Email systems and accounts of relevant Legislative Assembly, ministerial and CMTEDD staff
- Human resources or governance units involved in the engagement.

If any documents fall outside the specified timeframe but relate directly to the procurement/s, approval, engagement, or payment to McGrathNicol Advisory, I request they also be considered within scope.

If any documents contain legally exempt material, I request an explanation regarding why a component has been edited and continue to have access to edited copies with exempt information redacted/removed in accordance with Freedom of Information act.

If the description of documents is considered unclear or insufficient to identify the documents sought, I request that the FOI Officer contacts me to assist in refining the request before refusing it.

I prefer to receive all documents electronically to this email address.

My personal details are as follows:





FREEDOM OF INFORMATION REQUEST – NOTICE OF DECISION

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 13 May 2026.

Specifically, you have sought access to the following information:

“... documents held by any member of the Legislative Assembly and Chief Minister, Treasury and Economic Development directorate relating to the procurement, engagement and payment of McGrathNicol Advisory under contract GS0001732 (including supplier lot GS0001732.105) or any other contracts, invoices or payments made to McGrathNicol Advisory.

This request covers all documents created or received between 1 January 2024 and December 2025 relating to any engagement of McGrathNicol Advisory (ABN 34 8247 769 37) to undertake a workplace investigation, workplace conduct review, workplace complaint, workplace complaint investigation, cultural review, organisational review or similar advisory service concerning the Office of the Chief Minister, Ministers or any other Ministerial staff.

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Without limiting the scope, I request:

- 1. Documents sufficient to show the procurement pathway used to engage McGrathNicol Advisory, including:
 - a. Procurement approvals or delegate approvals*
 - b. Panel call-off documentation*
 - c. Requests for quotation or limited tender documentation*
 - d. Procurement exemption approvals if applicable.**
- 2. Documents sufficient to show the engagement details, including:
 - a. Engagement letters, emails or consultancy agreements*
 - b. Statements of work or investigation terms of reference*
 - c. Scope documents or briefing notes provided to McGrathNicol Advisory**
- 3. Documents sufficient to show the financial records of the engagement, including:
 - a. Purchase orders**

Statement of Reasons

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below. In reaching my access decisions, I have taken the following into account:

- the Act
- the information that falls within the scope of your request
- third party views
- *Human Rights Act 2004*

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per **Schedule 1** of the Act.
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring nondisclosure in **Schedule 2** of the Act.

Exemptions claimed

There are no Schedule 1 information identified within the documents.

Public Interest Test

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.

Schedule 2: Factors to be considered when deciding the public interest

Taking into consideration the information within 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 (Section 2.1)

- *Section 2.1(a)(iii) - inform the community of the government’s operations, including policies, guidelines and codes of conduct followed by the government in its dealings with members of the community.*
- *Section 2.1(a)(iv) - ensure effective oversight of expenditure of public funds.*
- *Section 2.1(a)(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.*

Disclosure of the relevant documents would enhance transparency in relation to the manner in which the agency conducts its functions and exercises its powers. Release of this information supports greater public understanding of administrative processes and

promotes confidence that the agency is acting consistently, lawfully, and in accordance with established frameworks.

To the extent that the documents relate to the allocation or use of public resources, disclosure would contribute to accountability for the expenditure of public funds. Making such information available enables scrutiny by the applicant and the broader community as to whether resources are being used efficiently, appropriately and for their intended purposes. This transparency is a key mechanism for maintaining public trust in government financial management.

Disclosure would provide the applicant with a clearer understanding of the basis upon which relevant decisions were made, including the evidentiary material, considerations, and contextual factors considered by the decision-maker.

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

Factors favouring nondisclosure (Section 2.2)

- *Section 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*
- *Section 2.2(a)(iv) - impede the administration of justice generally, including procedural fairness.*
- *Section 2.2(a)(xi) - prejudice trade secrets, business affairs or research of an agency or person.*

Disclosure of certain information would reasonably be expected to prejudice the protection of an individual's right to privacy, including rights recognised under *the Human Rights Act 2004*. The material contains personal information relating to identifiable individuals, and its release would constitute an unreasonable intrusion into their private affairs. I am satisfied that disclosure in these circumstances would undermine the reasonable expectations of privacy held by those individuals and could result in harm or distress. This factor weighs significantly against disclosure and has been afforded substantial weight.

Information found in scope of this access application included allegations against an individual. While formal investigations were undertaken, the investigation was stayed. Disclosure of the explicit allegations could prejudice procedural fairness by revealing unsubstantiated allegations. There is also the potential for the individual involved to be identified. For these reasons, I find this factor carries substantial weight.

I have also considered whether disclosure of the information would prejudice the trade secrets, business affairs, or research of an agency or third party. The relevant material includes information of a commercially sensitive nature, the release of which could reasonably be expected to disadvantage an organisation in its business operations or negotiations. This factor weighs against disclosure and has been given some weight.

Charges

Processing charges are applicable for this request because the total number of pages to be released to you exceeds the charging threshold of 50 pages. However, the charges have been waived.

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 will be published on the CMTEDD disclosure log. Your personal contact details will not be published.

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 provided to you, 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 at:

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/>

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



Katharine Stuart
Information Officer
Chief Minister, Treasury and Economic Development Directorate

25 May 2026



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST

Reference NO.

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CMTEDDFOI 2026-058

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5. Briefings, correspondence or internal memoranda concerning the engagements of McGrathNicol Advisory..."

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-2	Administrative Reviews, Investigations and Related Services (ARIRS) Panel.		Partial Out of Scope	Sch 2 s2.2 (a)(xi)	Yes
2	3	Draft Statement of Requirements.		Partial	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (a)(iv)	Yes
3	4-10	RE McGrathNicol Investigation - Communications	30/01/2025	Partial	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (a)(xi)	Yes
4	11	RE McGrathNicol Investigation - Draft Report	27/05/2025	Partial	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (a)(xi)	Yes
5	12	FW_ Preliminary Assessment _SENSITIVE_ Personal_	22/08/2024	Full Out of Scope	N/A	Yes
6	13	Draft Statement of Requirements		Full	N/A N/A	Yes
7	14-21	RE_ Investigation services - following up on invoice	06/08/2025	Partial	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (a)(xi)	Yes
8	22	Invoice 90022862	26/06/2025	Partial	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (a)(xi)	Yes
9	23-47	ACT Government - Workplace Misconduct Investigation - McGrathNicol Submission		Partial	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (a)(xi)	Yes
10	48	RFQ Outcome.MSG	02/09/2024	Full Out of Scope		Yes
11	49-50	RE: Services Panel Deed Extension - CONTRACT NUMBER: GS0001732.105	10/01/2025	Partial	Sch 2 s2.2 (a)(ii)	Yes
12	51-52	McGrath Nicol - signed 19 December 2024	19/12/2024	Partial	Sch 2 s2.2 (a)(ii)	Yes
13	53-56	Brief to DDG OIRWS - Panel Deed Variation December 2024	18/12/2024	Partial Out of Scope	Sch 2 s2.2 (a)(ii)	Yes

Total No
of Docs

15

ACTPS Administrative Reviews, Investigations and Related Services (ARIRS) Panel

Panelist	Contact	Personnel	Cost as at January 2022 GST inclusive (Confidential)		Area of Expertise
			Hourly Rate	Daily Rate (approximately 8 hours)	
McGrath Nicol Advisory (Armac Sixty-Four Pty Ltd & Others) Level 9 60 Marcus Clarke Street Canberra ACT 2601	Sch 2.2(a)(ii)	Sch 2.2(a)(ii)	Partner: [Redacted] Principal Consultant/Investigator: [Redacted] Senior Consultant/Investigator: [Redacted] Consultant/Investigator: [Redacted] Support/Clerical Personnel: [Redacted]	Partner: [Redacted] Principal Consultant/Investigator: [Redacted] Senior Consultant/Investigator: [Redacted] Consultant/Investigator: [Redacted] Support/Clerical Personnel: [Redacted]	Permitted <ul style="list-style-type: none"> • Misconduct related services • Disclosures and complaints • Other inquiries Excluded <ul style="list-style-type: none"> • Internal reviews

Out of Scope

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Version 1, 22 February 2022

Requirements:

The Territory requires a qualified and experienced service provider (the Contractor) to conduct an investigation of potential workplace misconduct under the terms of the relevant [Enterprise Agreement](#) and in accordance with existing [panel arrangements](#).

The specified personnel for this engagement should have extensive experience at an executive level, familiarity with how ministers' offices work, and in investigating and dealing with matters canvassed by the allegations.

The selected Contractor will:

1. Meet with the contact officer prior to commencing the investigation and on completion;
2. conduct a misconduct investigation in accordance with the applicable enterprise agreement and principles of natural justice and procedural fairness; and
3. provide a written report detailing findings on the balance of probabilities in relation to the allegations and supporting evidence.

The allegations to be investigated are:

Sch 2.2(a)(ii), Sch 2.2(a)(iv)

It is expected that the investigation will include interviews with the complainant (1), respondent(1) and witnesses (estimated to be under five), as well as review of documentary evidence.

The timeframe for completion of this matter is approximately four weeks from the finalisation of the engagement contract. This factors in the organisational expectations for investigations to be completed expeditiously, scope of matters under investigation and the risks posed by the nature of the workplace concerns.

The Contractor must maintain confidentiality concerning this matter and not disclose any aspect of this matter or related matters to other staff or clients of the ACT Government or ACT Public Service, without first obtaining permission from the nominated delegate. Directions around confidentiality must also be made clear to witnesses at the outset of discussions.

Quote

A quote for services in accordance with the panel arrangements should be provided to matt.mison@act.gov.au by 12 August 2024.

From: "Wright, Steven" <Steven.Wright@act.gov.au>
Sent: 30/01/2025 8:09 AM
To: "Mison, Matt" <Matt.Mison@act.gov.au>
Cc: "Wright, Robert" <Robert.Wright@act.gov.au>
Subject: RE: McGrathNicol Investigation - Communications

OFFICIAL

Hi Matt

Option 3 is recommended and consistent with staying the investigation, for the following reasons:

- Option 2 or 3 are both preferable to option 1 (conclude the engagement with no further work) as they provide a basis of re-opening the investigation, and affording [Sch 2.2\(a\)\(ii\)](#) procedural fairness should he seek employment with the Territory again in the future.
- Option 3 is preferred in light of the progress of the investigation, as it has the benefit of the current investigator, with contemporaneous knowledge of the individuals and matters considered during the investigation, distilling this information into a form ready to put to [Sch 2.2\(a\)\(ii\)](#) (and possibly the complainant, if adverse findings are made).

The Territory would not be in a position to take further action at this stage in relation to the report, but it provides a cleaner pathway to afford procedural fairness in the future. This option is consistent with the decision to "stay the investigation", as no further investigative work will be undertaken and the current investigator will effectively pull together the information collected to date in a useable form for the Territory, should it be required in the future.

- Option 2 would lead to further costs and delays for the Territory if a report is required, in the future. It poses additional risk to a future appeal against the process, where a new investigator is required to pick up the investigative work without going back over 'old ground' and possibly misunderstanding existing materials.

Please let me know if you have any further questions.

Steven Wright | a/g Executive Group Manager Corporate
P 02 620 71356
Chief Minister, Treasury and Economic Development | ACT Government
GPO Box 158, Canberra 2601 | www.act.gov.au

From: Mison, Matt
Sent: Wednesday, 29 January 2025 2:43 PM
To: Wright, Robert ; Wright, Steven
Subject: Fw: McGrathNicol Investigation - Communications

Hi Robert and Steven,

I draw your attention to the below request of next steps from McGrath Nicoll.

While I note that the investigation into [Sch 2.2\(a\)\(ii\)](#) is stayed, can I please get your advice on the best course of action to proceed with, noting that given the sensitivities with both parties this issue

is likely to come up again in the future and I believe it would be prudent to have our information in order.

Kind regards,

Matt Mison

From: Sch 2.2(a)(ii)
Sent: Wednesday, 29 January 2025 13:57
To: Mison, Matt <Matt.Mison@act.gov.au>
Cc: Sch 2.2(a)(ii)
Subject: FW: McGrathNicol Investigation - Communications

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Matt,
Hope you had a great break.

Just checking in to see if you have progressed a decision on concluding the MLA matter.

Our team have some availability for the rest of this week if it would be easier to discuss on a call:

- 30/1 Thursday 2:30 – 5pm
- 31/1 Friday 12 – 5pm

Kind regards,

Sch 2.2(a)(ii)



Level 9, 60 Marcus Clarke Street, Canberra ACT 2601 Australia

Sch 2.2(a)(ii)

McGrathNicol

Sch 2.2(a)(ii)



Celebrating 20 Years

Explore our story



From: Sch 2.2(a)(ii)
Sent: Tuesday, 17 December 2024 12:34 PM
To: Mison, Matt <Matt.Mison@act.gov.au>
Cc: Sch 2.2(a)(ii)
Subject: RE: McGrathNicol Investigation - Communications

Hi Matt,

Thank you for your time on the call just now.

As discussed, we have just over [Sch 2.2(a)(xi)] remaining of the budget. All investigative procedures have been undertaken including document reviews, interviews and analysis.

Broadly, our current options are to:

- conclude the engagement as at this point (no further cost);
- have McGrathNicol prepare a memo/letter setting out what work has been undertaken, which can include a pack with investigations records (lower cost); or
- proceed with completing a written report (most expensive, up to the full contract value of [Sch 2.2(a)(xi)] [redacted])

We're flexible with the options and are happy to do what is required to conclude the matter satisfactorily. As such, I'll leave you to think through your decision over the break and we can regroup in the new year. Noting the McGrathNicol team will be away from 20 December 2024 to 10 January 2025.

Hope you have a lovely and well-deserved break.

Best wishes,

[Sch 2.2(a)(ii)]
[redacted]



Level 9, 60 Marcus Clarke Street, Canberra ACT 2601 Australia

T +[Sch 2.2(a)(ii)]

McGrathNicol

[Sch 2.2(a)(ii)]



Celebrating 20 Years

Explore our story



From: [Sch 2.2(a)(ii)]

Sent: Tuesday, 17 December 2024 9:48 AM

To: Mison, Matt <Matt.Mison@act.gov.au>

Cc: [redacted] [Sch 2.2(a)(ii)]

Subject: RE: McGrathNicol Investigation - Communications

Thanks Matt,

Really appreciate you reaching out while on leave.

I will give you a call at 12, chat soon.

Kind regards,

[Sch 2.2(a)(ii)]
[redacted]

From: Mison, Matt <Matt.Mison@act.gov.au>

Sent: Tuesday, 17 December 2024 9:43 AM

To: [redacted] Sch 2.2(a)(ii)

Cc: [redacted] Sch 2.2(a)(ii)

Subject: Re: McGrathNicol Investigation - Communications

Hi [redacted] Sch 2.2(a)(ii)

I can chat today at 12:00 on the phone if that works? I'm just on leave and travelling.

MM

Sent from my iPad

On 16 Dec 2024, at 2:33 pm, [redacted] Sch 2.2(a)(ii) > wrote:

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Matt,

Thank you very much for the update.

Would you be available for a meeting at some point this week to discuss next steps?

Our availabilities are below, or alternatively, let me know if you would prefer options for early next year.

1. 17/12 Tuesday 10am-5pm, except 2-2:30pm
2. 18/12 Wednesday 1-5pm
3. 19/12 Thursday 10am-5pm

Kind regards,

[redacted] Sch 2.2(a)(ii)

Level 9, 60 Marcus Clarke Street, Canberra ACT 2601 Australia

T Sch 2.2(a)(ii)

McGrathNicol Sch 2.2(a)(ii)

From: Mison, Matt <Matt.Mison@act.gov.au>

Sent: Friday, 13 December 2024 3:02 PM

To: Sch 2.2(a)(ii)

Cc: Sch 2.2(a)(ii)

Subject: Re: McGrathNicol Investigation - Communications

EXTERNAL SENDER

Hi Sch 2.2(a)(ii)

I am writing to advise that due to Sch 2.2(a)(ii) due to the outcome of the ACT Election that we have made a decision to stay the investigation.

Given this, I would ask for your advice on next steps in terms of handing over of where the process got to, and therefore allowing us to settle payment with McGrath Nicol.

Thank you again for your help on this sensitive matter.

Kind regards,

Matt Mison

Sent from my iPad

On 11 Nov 2024, at 9:50 am Sch 2.2(a)(ii) > wrote:

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Matt,

As I mentioned on the phone earlier, attached are our latest communications with both Sch 2.2(a)(ii) and Sch 2.2(a)(ii) for your reference.

Kind regards,

Sch 2.2(a)(ii)

Level 9, 60 Marcus Clarke Street, Canberra ACT 2601 Australia

T +Sch 2.2(a)(ii)

McGrathNicol Sch 2.2(a)(ii)

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This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

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This email is confidential and may be legally privileged; it is intended solely for the addressee. Access by anyone else is unauthorised. If you have received this email in error please notify us immediately by return email or telephone +612 9338 2600 then delete and destroy any copies of it. Any unauthorised disclosure, copying, distribution or any action taken or not taken in reliance on it is prohibited and may be unlawful. Any opinions or advice contained in this email are subject to the terms and conditions of the governing McGrathNicol engagement letter. Opinions, conclusions and other information in this email and any attachments that do not relate to McGrathNicol business are not given or endorsed by it. McGrathNicol cannot guarantee that emails are secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late/incomplete or contain viruses. Liability limited by a scheme approved under *Professional Standards Legislation*.

From: "Mison, Matt"
Sent: 27/05/2025 12:56 PM
To: Sch 2.2(a)(ii)
Cc: "Sch 2.2(a)(ii)"
Subject: RE: McGrathNicol Investigation - Draft Report

Thanks Sch 2.2(a)(ii)

Confirming I have received the report – I'm still working through it and seeking some advice from Officials, I will come back to you if I have any questions.

Kind regards,

Matt

From: Sch 2.2(a)(ii)
Sent: Tuesday, 27 May 2025 9:29 AM
To: Mison, Matt <Matt.Mison@act.gov.au>
Cc: Sch 2.2(a)(ii)
Subject: RE: McGrathNicol Investigation - Draft Report

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Hi Matt,
I tried to

reach you on your number just earlier. We wanted to confirm if you received our email with the draft report?

Please give me a call if you would like to discuss.

Kind regards,

Sch 2.2(a)(ii)

Level 9, 60 Marcus Clarke Street, Canberra ACT 2601



From: "Wright, Robert" <Robert.Wright@act.gov.au>
Sent: 22/08/2024 4:03 PM
To: "Mison, Matt" <Matt.Mison@act.gov.au>
Cc: "Wright, Steven" <Steven.Wright@act.gov.au>; "Henry, Tracey" <Tracey.Henry@act.gov.au>
Subject: FW: Preliminary Assessment [SENSITIVE: Personal]
Attachments: Draft Statement of Requirements - FINAL.docx

OFFICIAL

Hi Matt

Steven and I have reviewed the Statement of Requirements and consider the content to be reasonable. In terms of providers, the listed ones appear fine – our only question would be about whether they have the personnel with necessary experience outlined in the SOR. This can be tested, and if needed, reapproach the market.

Tracey's team will approach the market on behalf of the CMO.

Kind regards

Robert Wright
EGM Corporate CMTEDD

From: Mison, Matt <Matt.Mison@act.gov.au>
Sent: Wednesday, August 21, 2024 5:51:45 PM
To: Wright, Robert <Robert.Wright@act.gov.au>
Cc: Wright, Steven <Steven.Wright@act.gov.au>; Cook, Michael <Michael.Cook@act.gov.au>
Subject: Re: Preliminary Assessment [SENSITIVE: Personal]

OFFICIAL

Hi Robert,

Thank you for this.

Given the small size of the Assembly workforce, (as well as myself as contact officer) I am concerned that providing specific detail of the allegations in the Statement of Requirements could make the individuals or offices easily identifiable. Because of this I have removed the detail and kept it very high level - noting only that there are three allegations that are related.

Of course we would provide the full detail to the successful company.

I have adjusted the date to provide a week for response noting the small scope of this matter.

Can we please approach the following companies from the panel:

Out of Scope

McGrath Nicol Advisory

Out of Scope

Kind regards,

Matt Mison

Requirements:

The Territory requires a qualified and experienced service provider (the Contractor) to conduct an investigation of potential workplace misconduct under the terms of the relevant [Enterprise Agreement](#) and in accordance with existing [panel arrangements](#).

The specified personnel for this engagement should have extensive experience at an executive level, familiarity with how ministers' offices work, and in investigating and dealing with matters canvassed by the allegations.

The selected Contractor will:

1. Meet with the contact officer prior to commencing the investigation and on completion;
2. conduct a misconduct investigation in accordance with the applicable enterprise agreement and principles of natural justice and procedural fairness; and
3. provide a written report detailing findings on the balance of probabilities in relation to the allegations and supporting evidence.

There are (3) three related allegations to be investigated.

It is expected that the investigation will include interviews with the complainant (1), respondent(1) and witnesses (estimated to be under five), as well as review of documentary evidence.

The timeframe for completion of this matter is approximately four weeks from the finalisation of the engagement contract. This factors in the organisational expectations for investigations to be completed expeditiously, scope of matters under investigation and the risks posed by the nature of the workplace concerns.

The Contractor must maintain confidentiality concerning this matter and not disclose any aspect of this matter or related matters to other staff or clients of the ACT Government or ACT Public Service, without first obtaining permission from the nominated delegate. Directions around confidentiality must also be made clear to witnesses at the outset of discussions.

Quote

A quote for services in accordance with the panel arrangements should be provided to matt.mison@act.gov.au by 29 August 2024.

From: "Wright, Steven"
Sent: 06/08/2025 8:38 AM
To: "Henry, Tracey" <Tracey.Henry@act.gov.au>
Subject: RE: Investigation services - following up on invoice

Hi Tracey

Quotes for investigations/reviews are generally not considered a fixed price, due to the nature of the work. In this case, it appears the estimated cost (aka quote) has been exceeded, without first obtaining agreement from the Territory. This does impact the Territory, as it removes the ability to direct work and minimise costs.

Whilst approval to exceed the estimated costs should have been obtained prior to completing the outlined work (which appears to be in line with initial TOR), it would be reasonable for the Territory to negotiating an agreed amount in finalisation. This would reflect acceptance that the Territory considers the work was done; was reasonably justified and necessary to achieve the required outcomes (ie finalisation of the work); and is in line with the contractual costs (hourly rates).

[GS0001732.105 -Armac Sixty-Four Pty Ltd-Public Text Version.pdf](#)

Steven

From: Henry, Tracey <Tracey.Henry@act.gov.au>
Sent: Tuesday, 5 August 2025 2:08 PM
To: Wright, Steven <Steven.Wright@act.gov.au>
Subject: FW: Investigation services - following up on invoice

OFFICIAL

Hi Steven,

Apologies, I forgot to raise this one in our catch up this morning. Could you please review for further discussion noting we have paid the initial invoice attached.

Thank you
Tracey

From: Mison, Matt <Matt.Mison@act.gov.au>
Sent: Tuesday, 29 July 2025 1:35 PM
To: Henry, Tracey <Tracey.Henry@act.gov.au>
Subject: FW: Investigation services - following up on invoice

Hi Tracey,

Given this work was not flagged in advance, can I please seek your advice on whether it would be reasonable to negotiate a part payment in good faith to settle the additional claim – perhaps 50% of the difference.

I just need to confirm this is reasonable from a procurement and financial management perspective.

Kind regards,

Matt Mison

From: [Redacted]

Sent: Thursday, 26 June 2025 12:43 PM

To: Mison, Matt <Matt.Mison@act.gov.au>; Henry, Tracey <Tracey.Henry@act.gov.au>

Cc: [Redacted] Sch 2.2(a)(ii)

Subject: RE: Investigation services - following up on invoice

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Matt
and

Tracey,

Thank you for your time on the phone earlier.

Please see attached final report and invoice for [Redacted] Sch 2.2(a)(xi) – as per option 1 of the original proposal. As flagged on the call, in addition to the option 1 fee, we would like to get your thoughts on an opportunity to negotiate an adjustment to reflect actual work completed.

For context, the initial proposal included the following options.

Option 1

The table below details the breakdown of hours and fees for each phase of the investigation in the event of a relatively contained scenario. This would involve three closely related allegations, limited documentary evidence to be reviewed, and a smaller number of interviews (e.g. three to four).

Sch 2.2(a)(xi)

Option 2

The table below details the breakdown of hours and fees for each phase of the investigation in the event of a complex scenario or protracted investigative process. This would involve three related but disparate allegations, extensive documentary evidence to be reviewed, and a larger number of interviews (e.g. five to seven).

Sch 2.2(a)(xi)

We stress that these estimates are based on approximately four weeks of work, including allowances for wait times, and our proposed staff mix according to the scenarios set out above. However, if we have under or over-estimated hours, we would be very pleased to adjust our estimated fees in line with the Territory's expectations.

Actual hours incurred are as below. These hours exceed the option 1 estimate by Sch 2.2(a)(xi). We apologise that the overruns did not become apparent till preparation of the report after the initial postponement.

The additional effort related to:

- Addressing and reconciling three distinct allegations, each requiring separate lines of questioning and evidence collation.
- Revisiting a large volume of documentary evidence, including a detailed review of the respondent's written statement in the absence of an interview.
- Extended timeframes beyond the estimated four weeks. This was due to allowance for attempts to schedule the respondent interview, and the time lag between fieldwork and the decision to proceed with a full written report.

Sch 2.2(a)(xi)

Thank you for your time and consideration. Please reach out if you need any further details.

Kind regards,

Sch 2.2(a)(ii)

Level 9, 60 Marcus Clarke Street, Canberra ACT 2601



From: Henry, Tracey <Tracey.Henry@act.gov.au>

Sent: Thursday, 26 June 2025 10:56 AM

To: Sch 2.2(a)(ii)

Cc: Sch 2.2(a)(ii)

Subject: RE: Investigation services - following up on invoice

OFFICIAL

Good morning,

I am just following up on the invoice post completion of this investigation. Can this please be emailed to me as soon as possible?

Thank you
Tracey

Tracey Henry | Senior Director | Ministerial and Executive Support
Workforce and Information Services | CMTEDD Corporate

Phone: 02 6207 0372 or via MS Teams | Email: Tracey.Henry@act.gov.au

From: [Redacted] Sch 2.2(a)(ii) >
Sent: Tuesday, 3 September 2024 1:09 PM
To: Mison, Matt <Matt.Mison@act.gov.au>
Cc: Henry, Tracey <Tracey.Henry@act.gov.au>; [Redacted] Sch 2.2(a)(ii)
Subject: RE: Request for Quotation - Investigation services

OFFICIAL

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Matt

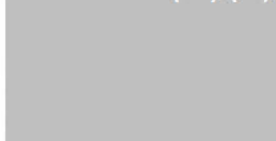
Thank you very much for the chat and your email.

I confirm that based on the further context for the investigation provided in your call, we are happy to work to the Option 1 pricing as set out in our proposal.

Look forward to meeting on 10 September.

Kind regards

Sch 2.2(a)(ii)



Level 9, 60 Marcus Clarke Street, Canberra ACT 2601 Australia

Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

McGrathNicol

Sch 2.2(a)(ii)



Celebrating 20 Years

Explore our story



From: Mison, Matt <Matt.Mison@act.gov.au>
Sent: Tuesday, September 3, 2024 12:51 PM

To: [Redacted] Sch 2.2(a)(ii)
Cc: Henry, Tracey <Tracey.Henry@act.gov.au>
Subject: RE: Request for Quotation - Investigation services

You don't often get email from matt.mison@act.gov.au. [Learn why this is important](#)

OFFICIAL

Thanks for the Chat [Redacted] Sch 2.2(a)(ii)

Confirming we accept the proposal – with an undertaking to try and contain the scope to option 1.

I will send an invite for an initial meeting with myself at 10am next Tuesday (10th) at the Government Offices at 220 London Circuit.

Kind regards,

Matt Mison

From: [Redacted] Sch 2.2(a)(ii)
Sent: Tuesday, September 3, 2024 12:32 PM
To: Mison, Matt <Matt.Mison@act.gov.au>
Subject: RE: Request for Quotation - Investigation services

OFFICIAL

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Matt

Thanks for your email. Yes I am free for a chat, my availability is good this afternoon. I have a meeting from 4pm to 5pm but otherwise am free. Please let me know when suits you.

Kind regards

Sch 2.2(a)(ii)



Level 9, 60 Marcus Clarke Street, Canberra ACT 2601 Australia

[Redacted] Sch 2.2(a)(ii)

[Redacted] Sch 2.2(a)(ii)

McGrathNicol

[Redacted] Sch 2.2(a)(ii)



Celebrating 20 Years

Explore our story



From: Mison, Matt <Matt.Mison@act.gov.au>
Sent: Tuesday, September 3, 2024 12:07 PM

To: Sch 2.2(a)(ii)

Subject: FW: Request for Quotation - Investigation services

You don't often get email from matt.mison@act.gov.au. [Learn why this is important](#)

OFFICIAL

Hi Sch 2.2(a)(ii)

Hoping you have some time today we can chat briefly about this proposal please?

Kind regards,

Matt

Matt Mison
Deputy Chief of Staff (Mon-Thu)
Chief of Staff (Fri)
Office of the Chief Minister
Andrew Barr MLA



From: Henry, Tracey <Tracey.Henry@act.gov.au>

Sent: Thursday, August 29, 2024 4:34 PM

To: Mison, Matt <Matt.Mison@act.gov.au>

Subject: FW: Request for Quotation - Investigation services

OFFICIAL

Hi Matt,

Please see the second quote attached for your review/consideration.

Kind regards

Tracey

From: Sch 2.2(a)(ii)

Sent: Thursday, August 29, 2024 4:31 PM

To: Henry, Tracey <Tracey.Henry@act.gov.au>

Cc: Sch 2.2(a)(ii)

Subject: Request for Quotation - Investigation services

You don't often get email from Sch 2.2(a)(ii). [Learn why this is important](#)

OFFICIAL

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear
Tracey

Thank you very much for the invitation to McGrathNicol to submit a quotation to conduct an investigation of potential workplace misconduct. Please find attached our quotation. If you have any questions or require anything further, please let me know.

In due course, could you please confirm receipt of our quotation.

Kind regards

Sch 2.2(a)(ii)



Level 9, 60 Marcus Clarke Street, Canberra ACT 2601 Australia

T Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

McGrathNicol

Sch 2.2(a)(ii)



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Explore our story



From: Henry, Tracey <Tracey.Henry@act.gov.au>

Sent: Friday, August 23, 2024 3:22 PM

To: Sch 2.2(a)(ii)

Subject: Request for quotation

EXTERNAL SENDER

OFFICIAL

Good afternoon,

If possible, can you please provide me with a quote on the attached statement of requirements.

If any further information is required, please do not hesitate to contact me.

Kind regards

Tracey

Tracey Henry | Senior Director | Ministerial and Executive Support

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

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McGrathNicol

CHIEF MINISTER TREASURY AND ECONOMIC DEVELOPMENT DIRECTORATE TERRITORIAL
GPO Box 9986
CANBERRA ACT 2601

Tax Invoice

ABN 34 824 776 937
Invoice Number Sch 2.2(a)(xi)
Invoice Date 26/06/2025
Payment terms Net Due in 30 Days
Contact Sch 2.2(a)(ii)
Project Name Sch 2.2(a)(xi)
Project Code

PROFESSIONAL SERVICES RENDERED

Invoice for a workplace misconduct investigation.

Fees

Total GST Payable

Total Payable

Sch 2.2(a)(xi)

Please send your payment with this remittance slip to McGrathNicol, GPO Box 9986 Sydney NSW 2001 or deposit directly into the below bank account and email remittance to finance@mcgrathnicol.com. For all queries please contact the following local office: Brisbane +61 7 3333 9800, Canberra +61 2 6222 1400, Melbourne +61 3 9038 3100, Perth +61 8 6363 7600, Sydney +61 2 9338 2600.

Sch 2.2(a)(xi)

Level 12, 44 Martin Place, Sydney NSW 2000, Australia GPO Box 9986, Sydney NSW 2001 T +61 2 9338 2600 F +61 2 9338 2699 McGrathNicol Advisory Partnership ABN 34 824 776 937.

www.mcgrathnicol.com



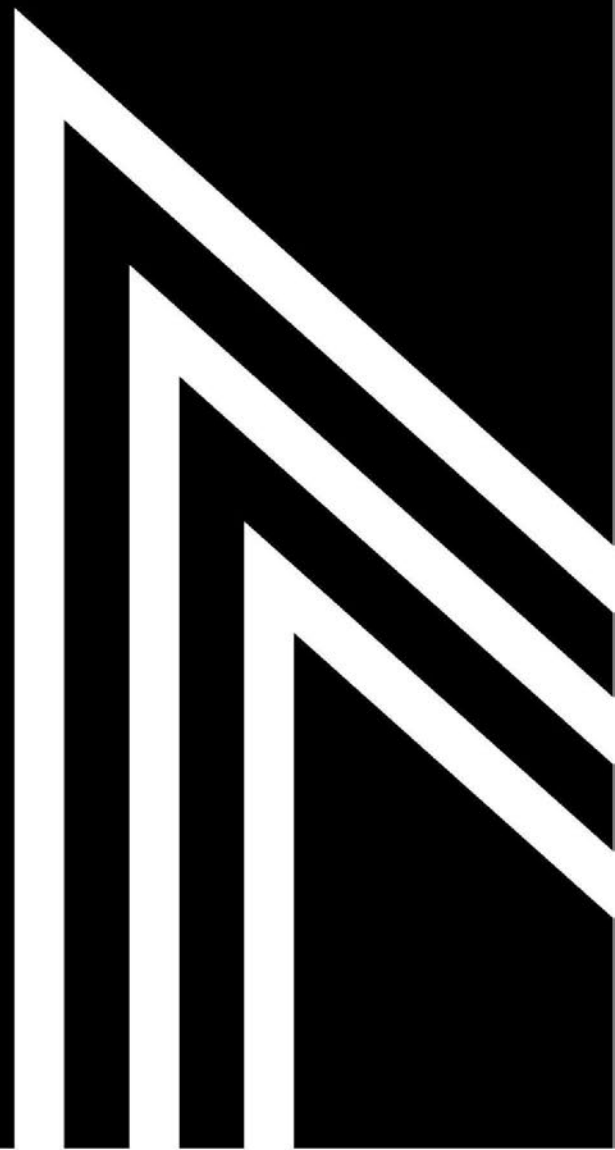
ACT Government

Investigation of potential workplace misconduct

29 August 2024



McGrathNicol



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Disclaimer

This document has been prepared specifically for the ACT Government. It remains the property of McGrathNicol and neither it nor its contents may be disclosed to any third party. The proposal contained in this document is subject to negotiation, agreement and the signing of a contract.

We consider that information in this document regarding McGrathNicol’s pricing structure, previous engagements and experience is confidential. Detail of our pricing structure is considered commercially sensitive. Details of our previous experience are sensitive in nature. Accordingly, it is desirable from the perspective of both the ACT Government and the organisations involved that details of engagements are kept confidential.



Contractor details

Full legal name:	McGrathNicol Advisory
Registered office or postal address:	Level 9/60 Marcus Clarke St, Canberra ACT 2601
CAN/ARBN (if applicable):	n/a
ABN (if applicable):	34 824 776 937

Contact Officer name:	Sch 2.2(a)(ii)
Position title:	
Phone:	
Mobile:	
Email:	

1 Executive summary

McGrathNicol is pleased to submit our response to the ACT Government (**the Territory**) to undertake an investigation into potential workplace misconduct. Our proposal demonstrates the following strengths of working with McGrathNicol on this engagement:

①

We are putting forward a highly skilled and experienced team.

McGrathNicol has the capacity to provide a highly skilled and senior team to deliver the required services. Each member of our team was chosen based on their experience conducting investigations to the highest standards of professionalism. Our key personnel have the required experience, skills, and qualifications, including the Diploma of Government Investigations and Certificate IV in Government Investigations.

②

McGrathNicol has an outstanding track record of undertaking similar engagements

We have significant experience in undertaking investigations for government agencies including workplace misconduct investigations. This has included recent investigations for the Territory (ACT Government and ACT Health), and other Commonwealth Government clients. Further, from prior experience we are cognisant of the mechanics and dynamics of agency relationships with Minister's offices and staff, and the sensitivities involved in investigations concerning senior executive staff.

③

We take pride in being an independent firm, operating free of many conflicts that often burden larger audit and consulting firms.

This independence allows us to provide the Territory with impartial and focused service, free of conflicts of interest.

④

McGrathNicol has provided a value for money fee quotation

We have based our quotation on the rates under the ACT Government Administrative Reviews, Investigations and Related Service Panel (GS0001732).

We understand that the Territory estimates that the investigation will take approximately four weeks of work, and accordingly we have proposed a cost of Sch 2.2(a)(xi) a relatively contained investigative scenario. In Section 4.3 we have set out detailed estimates for two different scenarios based on assumptions made from the limited information in the Statement of Requirements.

We are eager to continue to work with the Territory in close consultation and agree a fee estimate that is reflective of the Territory's expectations. We would be pleased to work with you and adjust our estimated effort or staff mix as needed. We believe that these rates and proposed fees, coupled with the deep expertise and experience of our nominated project team, offers the Territory with an exceptional value for money proposition.

We appreciate the opportunity to submit a response to this request for quote and are keen to work with the Territory on this workplace misconduct investigation. For more information on our proposal, please feel free to contact Sch 2.2(a)(ii) on Sch 2.2(a)(ii) or Sch 2.2(a)(ii).

McGrathNicol Advisory

McGrathNicol Advisory

Contact: Sch 2.2(a)(ii)

2 Our understanding of the requirements

2.1 Response to the statement of requirements

McGrathNicol understands that the purpose of this engagement is to investigate three allegations related to potential workplace misconduct within the Territory. We understand that these allegations may involve senior executives within the Territory, and individuals or events occurring within ministers' offices.

As part of the investigation, McGrathNicol understands the requirement to undertake up to seven interviews, with the complainant, respondent and up to five witnesses.

Whilst all workplace matters are generally regarded as confidential, we are cognisant of the additional sensitivities that arise from the involvement of both senior executives and ministers' offices. Accordingly, the following sections outline our knowledge and experience of the regulatory context, and our proposed methodology to conduct the investigation within strict confidence standards.

2.2 Regulatory context

Investigation standards

The ACT Guidelines to the Misconduct Process (**the Guidelines**) are published by the ACT Public Sector (**ACTPS**) Standards Commission. The purpose of the Guidelines are to uphold the values of the ACTPS and to prevent further misconduct. To do this, the process needs to be transparent, thorough and purposeful and should be conducted in a manner which respects the rights of all individuals involved.

McGrathNicol will also undertake the investigation with consideration of the guidance provided by the ACT Integrity Commission¹ and ACT Ombudsman², including examination guidelines and use of resources to support witnesses.

Additionally, McGrathNicol is familiar with conducting investigations in line with the Australian Government Investigations Standards (**AGIS**)³. We note that whilst the AGIS do not apply to ACT Government investigations, adherence to these standards will help ensure quality investigative practices and outcomes, thus upholding principles of natural justice and procedural fairness. The AGIS sets out the minimum standard of conduct for entities undertaking investigations, this includes requirements in respect of investigation planning, collecting evidence, investigation management, and reporting.

The standard of proof applied in this investigation will be the civil standard of the balance of probabilities with reasonable satisfaction that the alleged claims are accurate, in line with the *Briginshaw* test (**Requisite Standard**)⁴.

Definitions

As per the ACTPS Enterprise Agreements (and reiterated in the Guidelines), misconduct includes any of the following:

- *"H6.5.1 the employee fails to meet the obligations set out in section 9 of the PSM [Public Sector Management] Act 1994;*
- *H6.5.2 the employee engages in conduct that the head of service or the Public Sector Standards Commissioner is satisfied may bring, or has brought the Directorate of the ACTPS into disrepute;*
- *H6.5.3 a period of unauthorised absence and the employee does not offer a satisfactory reason on return to work;*

¹ <https://www.integrity.act.gov.au/investigations>

² [Publications | ACT Ombudsman](#)

³ <https://www.ag.gov.au/integrity/publications/australian-government-investigations-standards>

⁴ In determining whether the burden of proof has been satisfied in investigation matters, McGrathNicol have regard to the decision in *Briginshaw v Briginshaw* (1938) 60 CLR 336. In *Briginshaw*, the High Court held that although the burden of proof in civil matters is always 'on the balance of probabilities', a decision maker making a finding that something has happened on the balance of probabilities, should seek to be satisfied to a more significant degree by evidence of misconduct as it increases in seriousness.

- *H6.5.4 the employee is found guilty of, or is convicted of a criminal offence or where the court finds that an employee has committed an offence but a conviction is not recorded, taking into account the circumstances and seriousness of the offence, the duties of the employee and the interests of the ACTPS and/or the Directorate;*
- *H6.5.5 the employee fails to notify the head of service of criminal charges in accordance with clause H12; or*
- *H6.5.6 the employee makes a vexatious or knowingly false allegation against another employee."*

The Guidelines take the Fair Work Regulation's⁵ definition of serious misconduct; which is conduct that is wilful or deliberate and that is inconsistent with the continuation of the employment contract. It is also conduct that causes serious and imminent risk to the health and safety of a person or to the reputation, viability or profitability of the employer's business. Serious misconduct includes theft, fraud, assault, sexual harassment, intoxication at work and the refusal to carry out lawful and reasonable instructions consistent with the employment contract.

The Guideline further stipulate that when an allegation of possible misconduct by a Senior Executive Service (SES) member is being considered, it is the version of the legislation that was in place at the date of the SES member's contract which is relevant, both in terms of process and the standard against which the behaviour must be measured. Amendments were made to the *Public Sector Management Act 1994*⁶ (PSM Act) and the *Public Sector Management Standards (PSM Standards)* on 1 September 2016, which relate to the employment conditions of executive or SES staff. We understand that the conditions in the two versions of the PSM Standards differ slightly, particularly in relation to the definition of misconduct and the disciplinary action that can be taken, so it is important to ensure that the correct legislation is applied.

ACT Public Sector Code of Conduct

The ACTPS Code of Conduct (**the Code**) outlines expected standards of behaviour against the following categories:

- discrimination, harassment and bullying;
- reasonable care and skill;
- public comment;
- use of resources;
- conflicts of interest and impartiality;
- official and personal information;
- acceptable use of ICT resources;
- work outside the service;
- reporting unethical behaviour;
- reportable conduct; and
- alcohol and other drugs.

Other requirements

In addition to the Code, McGrathNicol may also make reference to the ACT Public Service Health, Safety & Injury Management Policies⁷ where relevant to the investigation.

Further, McGrathNicol is familiar with dissecting and analysing public sector Enterprise Agreements. Dependent on the relevant Directorate to which the Respondent belongs, we will refer to the agreements and instruments set out on the ACTPS Employment Portal⁸.

2.3 Risk identification and management








In the table below we have set out what we consider to be the key project risks in delivering the required services, and our strategies / protocols for managing these risks throughout the project.

⁵ <https://www.fwc.gov.au/conduct>

⁶ <https://www.cmtedd.act.gov.au/office-of-industrial-relations-and-workforce-strategy/commissioner>

⁷ <https://www.cmtedd.act.gov.au/employment-framework/wpsafety/WHSPolicies>

⁸ <https://www.cmtedd.act.gov.au/employment-framework/for-employees/agreements>

Risk / challenge	Mitigation Strategy	Residual Risk
Failure to manage conflict of interests	McGrathNicol is a truly independent advisory firm, that is entirely owned and operated in Australia. The firm was formed as a consequence of a desire to service our clients free of any conflict and independence issues. McGrathNicol maintains a strong internal conflict checking processes, and any party we would engage with through the investigation would be put through our conflict checking process. This eliminates the risk that conflicts of interest would not be identified.	Low 
Failure to maintain confidentiality	We understand that through this engagement McGrathNicol is likely to receive confidential data and other information that is not in the public domain. McGrathNicol has experience in working with highly sensitive engagements through our forensic accounting, insolvency, and audit engagements, and take matters of confidentiality very seriously. McGrathNicol is ISO 9001 certified, which ensures that we have in place formalised business processes on all engagements including a strict document management policy that requires all confidential client documents to be securely locked away when not in use. In addition, our IT systems are built to ensure that only those staff working on an engagement have access to the client file and is also DISP accredited. McGrathNicol has policies, procedures, and safeguards to make reasonable efforts to prevent any real or perceived breach of confidentiality information.	Low 
Lack of sufficient evidence	Very shortly after commencement of the engagement, we will seek to obtain any relevant information held by the Territory and will carefully plan our interviews to ensure we obtain the evidence required to draw clear and supported conclusions on the allegations.	Low 
Unwillingness of key witnesses to participate in investigation	We will establish clear communication channels, engage stakeholders early, and address concerns promptly. We will reassure stakeholders that we have appropriate systems and undertakings in place to treat confidential information appropriately.	Medium 
Loss of key project staff	Our specified personnel will be available throughout the delivery of the required services. If any core team members are unavailable at times during the engagement, the backup team members will be able to complete the necessary tasks.	Low 
Failure to meet reporting timeframes	Our team is experienced in working to tight deadlines whilst ensuring that the work is completed to the highest standard. McGrathNicol is ISO 9001 certified, which ensures that we follow formalised business processes on all engagements to ensure that all project deliverables are submitted on time. In addition, we have further staffed resources available if required at peak times. We understand that the most significant risk of delays to the project comes from interviews not being able to be conducted in a timely manner. Accordingly, we would work hard in the initial stage to lock in interviews at the earliest opportunity.	Low 
Project cost exceeds budget	We will provide the Territory with high visibility over all time charged to the engagement. This will include providing the Territory with a regular status update report that includes details of our costs to date against budget. If it appears that there are cost pressures (due to necessary and unforeseeable changes to scope), we will immediately inform the relevant Territory contact to discuss a strategy to resolve the problem. This could include de-scoping some elements of the work (such as a reduction in the number of interviews) to ensure our total costs remains within budget. McGrathNicol is pleased to work to a fixed fee arrangement to provide cost certainty to the Territory. This is reflected in our fee estimate set out at Section 5.	Low 

2.4

Sch 2.2(a)(xi)

Sch 2.2(a)(xi)

⁹ ACT Ombudsman Fact Sheet

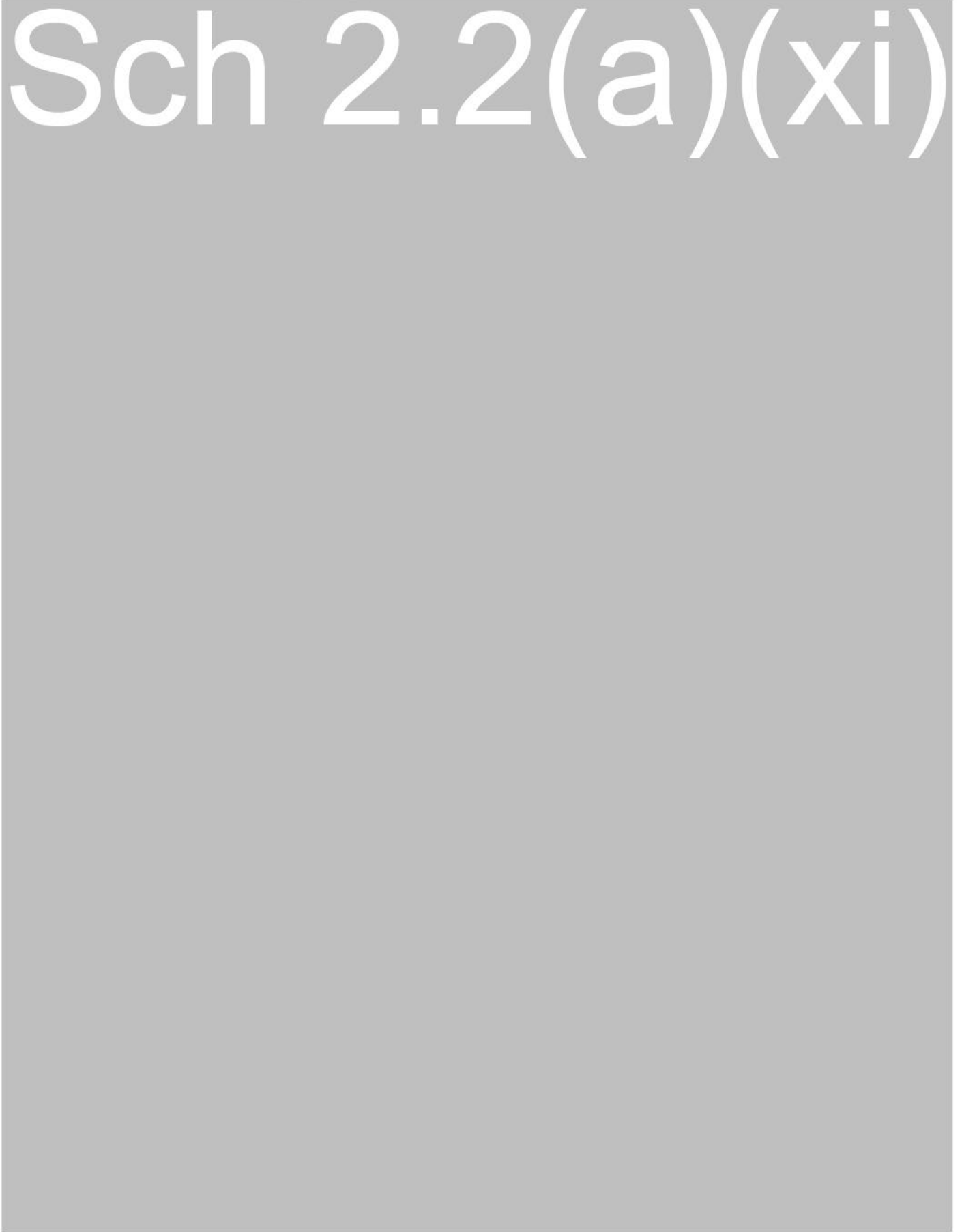
¹⁰ <https://www.integrity.act.gov.au/investigations/information-for-witnesses>

Sch 2.2(a)(xi)

¹¹ https://www.environment.act.gov.au/__data/assets/word_doc/0003/1305993/Gathering-Managing-and-Handling-Evidence-Policy-and-Procedures.docx

Sch 2.2(a)(xi)

Sch 2.2(a)(xi)



Sch 2.2(a)(xi)



Sch 2.2(a)(xi)

Sch 2.2(a)(xi)

3.2 Our project team

McGrathNicol has the capacity to provide an experienced and senior team to deliver the required services. Each member of our team has been selected due to their experience in workplace misconduct matters and providing investigation services.

The depth of experience of our personnel will ensure that we are able to successfully deliver services within the required timeframes.

The interviews would be led by either **Sch 2.2(a)(ii)** depending on the timing of the interviews and their availability. Having backup personnel our team provides coverage to ensure that we are able to deliver the investigation within the Territory's required timeframes. **Sch 2.2(a)(ii)** will have overall responsibility for the investigation and will attend key meetings and review all deliverables.

The work will be conducted out of our Canberra office.

Sch 2.2(a)(ii)

Sch 2.2(a)(ii)



4 Fee estimates

4.1 Agreed panel rates

The agreed hourly rates as per the 'Misconduct Related Services' schedule of the Administrative Reviews, Investigations and Related Service Panel (GS0001732) are as follows:

Sch 2.2(a)(xi)

4.2 Estimated daily rates

The following daily rate is based on estimated proportional effort as dedicated by our proposed team of relatively senior personnel.

Sch 2.2(a)(xi)

4.3 Schedule of fees

We understand that the Territory is limited in the amount of detail it can provide in the Statement of Requirements due to confidentiality standards. Accordingly, we have prepared two costing options below to reflect scenarios of lesser or increased complexity in the investigative process.

Option 1

The table below details the breakdown of hours and fees for each phase of the investigation in the event of a relatively contained scenario. This would involve three closely related allegations, limited documentary evidence to be reviewed, and a smaller number of interviews (e.g. three to four).

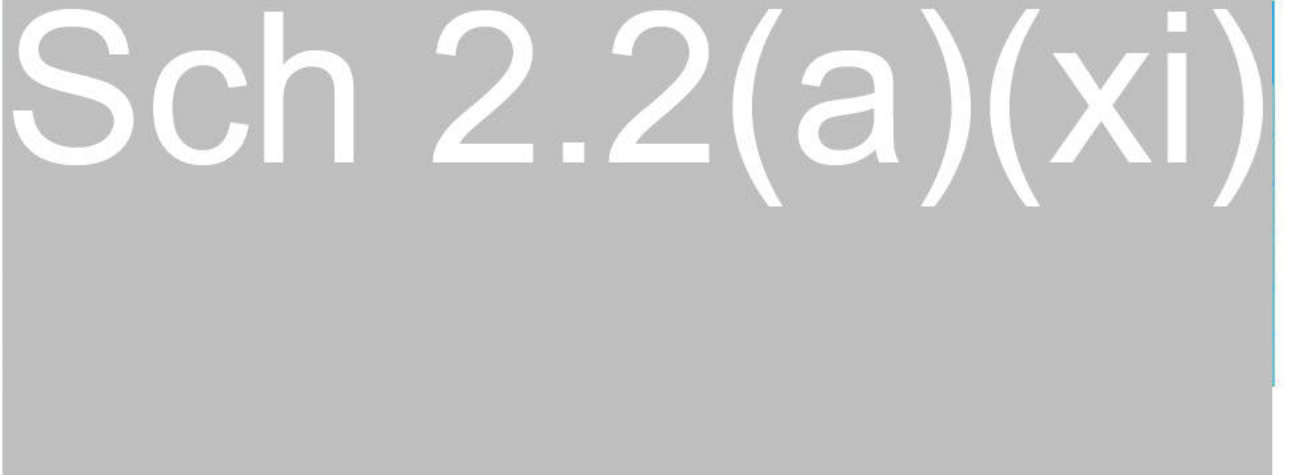
Sch 2.2(a)(xi)

¹² Based on a 7.5 hour work day.

Sch 2.2(a)(xi)

Option 2

The table below details the breakdown of hours and fees for each phase of the investigation in the event of a complex scenario or protracted investigative process. This would involve three related but disparate allegations, extensive documentary evidence to be reviewed, and a larger number of interviews (e.g. five to seven).



We stress that these estimates are based on approximately four weeks of work, including allowances for wait times, and our proposed staff mix according to the scenarios set out above. However, if we have under or over-estimated hours, we would be very pleased to adjust our estimated fees in line with the Territory's expectations.

In addition, given the nature of the investigation involving SES staff and Ministers' offices, we have proposed increased input from our senior team. We would be pleased to work with you and adjust our staff mix as needed.

4.4 Travel costs

We do not anticipate extensive travel or transport costs to be incurred in the delivery of services, given the assumption that key stakeholders and interviewees will be located in Canberra. If interviewees are located outside of Canberra, McGrathNicol will make an assessment and discuss with the Territory as to the appropriateness of conducting interviews remotely via video conferencing.

In the event where travel may be necessary, all members of our nominated team are based in Canberra and will be available to travel to attend face-to-face meetings or site visits where required. McGrathNicol would be pleased to provide detailed travel cost estimates if requested.

5 Other acknowledgements

5.1 Conflicts of interest

McGrathNicol is a national advisory firm that offers a broad range of services to our clients. We do not provide taxation services or external audit (financial statement audit) services. As a result, we do not experience the same degree of conflicts that large Chartered Accounting firms face.

McGrathNicol confirms that at the time of lodging this proposal no other actual, potential or perceived conflicts of interest exist between McGrathNicol and the Territory that may preclude us from being involved in this engagement. If a potential conflict of interest was to arise at any time during the engagement, we would notify the Territory immediately in writing.

Once the identity of the complainant, respondent and witnesses are able to be provided to McGrathNicol, we will undertake conflict checks to confirm there are no issues.

5.2 Management of confidentiality and perceived conflicts

McGrathNicol has a dedicated Risk and Professional Practice team and wide range of internal resources in support of good governance. Policy and applicable professional standards require disclosure of potential conflicts to clients to agree how they may be managed.

McGrathNicol has a Data Classification Policy which provides a foundation for the development and implementation of necessary security controls to protect information according to its value and/or risk. McGrathNicol has significant experience in managing confidential data for both our public and private sector clients. To this end, McGrathNicol has developed and implemented appropriate policies, procedures and safeguards to make reasonable efforts to prevent any real or perceived breach of confidentiality of information. McGrathNicol staff adhere to the Chartered Accountants Australia and New Zealand's Code of Conduct, which imposes a range of obligations on all members in respect of the treatment, management, protection and release of confidential information.

Additionally, McGrathNicol operates and maintains appropriate physical and logical separation controls to ensure client information is only accessible by the appropriate McGrathNicol stakeholders on an as-needed basis.

5.3 Quality Assurance Framework

In order to ensure the high-quality delivery of project outcomes to meet the Territory's needs, McGrathNicol has established our quality assurance framework, which governs the delivery of all client engagements.

- It is McGrathNicol policy that all client engagements are assessed, approved, monitored, and finalised by a McGrathNicol Partner **Sch 2.2(a)(ii)**. This documented approval process includes assessing whether McGrathNicol has sufficient skilled and experienced personnel and resources to complete an engagement to our high-quality standard.
- As a Chartered Accounting firm, McGrathNicol is bound by the Chartered Accountants Australia and New Zealand (**CAANZ**) code of professional behaviour, which includes accounting professional and ethical standards. Key elements of McGrathNicol's quality assurance framework include independent certification and our Quality Management Plan.
- McGrathNicol is independently certified under the ISO 9001:2015 quality standard. This certificate reflects our commitment to quality, which is embraced throughout all aspects of our work. This independent certification provides assurance that McGrathNicol will perform the services to a high-quality standard and in accordance with the relevant best practices. Our ISO 9001:20015 accreditation requires annual review and certification to ensure that we maintain the required quality of technical advice, that our physical and electronic security is effective, and that client satisfaction and needs are focused upon for each engagement.



Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

From: "Mison, Matt" <Matt.Mison@act.gov.au>
Sent: 02/09/2024 12:34 PM
To: "Henry, Tracey" <Tracey.Henry@act.gov.au>
Subject: RFQ Outcome

Hi Tracey,

I have reviewed the responses from **Out of Scope** and McGrath Nichol and note that **Out of Scope** chose not to respond.

Based on the submissions received McGrathNichol is the stronger candidate. Despite being slightly more expensive within the expected scope (option 1) the overall quality and experience levels are demonstrably higher. Based on the application they appear have more experience in dealing with matters related to bullying, harassment and workplace breaches related to codes of conduct etc on the employer side.

I note that of the options provided it is expected that option 1 would be adequate, with an initial meeting with the contact officer, the parties and limited witnesses.

Can you please let me know next steps form here as I am keen to progress the matter quickly.

Kind regards,

Matt Mison
Deputy Chief of Staff (Mon-Thu)
Chief of Staff (Fri)
Office of the Chief Minister
Andrew Barr MLA



From: "Boyle, Peter"
Sent: 10/01/2025 10:37 AM
To: Sch 2.2(a)(ii) >
Subject: RE: Services Panel Deed Extension - CONTRACT NUMBER: GS0001732.105
Attachments: McGrath Nicol executed extension.pdf

Good morning Sch 2.2(a)(ii),

Please see the attached executed extension letter for your records.

Regards

Pete Boyle | Senior Investigator | Professional Standards Unit

E: peter.boyle@act.gov.au | P: (02) 6205 3525

Office of Industrial Relations and Workforce Strategy

Chief Minister, Treasury and Economic Development Directorate | ACT Government

Level 3 Nara Centre, 3 Constitution Avenue, Canberra City ACT 2601 | www.act.gov.au

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From: Sch 2.2(a)(ii) >
Sent: Tuesday, 17 December 2024 8:48 AM
To: Boyle, Peter <Peter.Boyle@act.gov.au>
Subject: RE: Services Panel Deed Extension - CONTRACT NUMBER: GS0001732.105

OFFICIAL: Sensitive - Personal Privacy

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Peter

Thank you very much for sending through the Deed Extension, please find attached signed by me.

All the best for Christmas and the New Year.

Kind regards

Sch 2.2(a)(ii)



Level 9, 60 Marcus Clarke Street, Canberra ACT 2601 Australia

Sch 2.2(a)(ii) Sch 2.2(a)(ii)

McGrathNicol Sch 2.2(a)(ii)



Celebrating 20 Years

Explore our story



From: Boyle, Peter <Peter.Boyle@act.gov.au>
Sent: Monday, 16 December 2024 1:35 PM
To: [Redacted] Sch 2.2(a)(ii) >
Subject: Services Panel Deed Extension - CONTRACT NUMBER: GS0001732.105

EXTERNAL SENDER

OFFICIAL: Sensitive - Personal Privacy

Good afternoon [Redacted],

Please see the attached 'Letter of Extension' prepared by the ACT Government Solicitors Office (GSO) and approved by Mr David Collins – Senior Director PSU. As a matter of urgency and to ensure the deed is extended prior to its expiration on 22 December 2024, can I please ask that you review the attached letter and sign and return it to me and CC: professionalstandardsunit@act.gov.au as soon as possible. Once the deed is executed by the Territory, a copy will be returned to you for your records.

Regards

Pete Boyle | Senior Investigator | Professional Standards Unit

E: peter.boyle@act.gov.au | P: (02) 6205 3525

Office of Industrial Relations and Workforce Strategy

Chief Minister, Treasury and Economic Development Directorate | ACT Government

Level 3 Nara Centre, 3 Constitution Avenue, Canberra City ACT 2601 | www.act.gov.au

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Australian Capital Territory
Government



Sch 2.2(a)(ii)

McGrathNicol Advisory
Level 9/60 Marcus Clarke St, Canberra ACT 2601

Dear Sch 2.2(a)(ii)

Contract Name: Services Panel Deed – Administrative Reviews, Investigations and Relates Services Panel to conduct investigations and inquiries in relation to misconduct, disclosures, complaints and internal reviews.

Contract Number: GS0001732.105

I refer to the Services Panel Deed for between McGrathNicol Advisory (ABN: 34824776937) (**Contractor**) and the Australian Capital Territory the body politic established by section 7 of the *Australian Capital Territory (Self-Government) Act 1988* (Cth) represented by Chief Minister, Treasury and Economic Development Directorate (the **Territory**) dated 23 December 2021 (**Deed**).

The initial term for the Deed was until 22 December 2024.

The Territory seeks to extend the Term of the Deed to 22 December 2026.

Clause 16.7 of the Deed allows for the Deed to be varied or extended by the written agreement of the parties, prior to the expiration of the Deed.

If you agree to the extension of the Term of the Deed, please arrange for the execution of this letter, as a deed provided at Attachment A.

Please return this letter, inclusive of the signed Attachment A, to be sent by email to professionalstandardsunit@act.gov.au for execution by the Territory. Once executed, a copy will be returned to you for your records.

All other terms and conditions remain unchanged.

Yours sincerely

Sch 2.2(a)(ii)

David Collins
Senior Director - Operations
Professional Standards Unit

ATTACHMENT A

With effect from the date of this deed, the parties agree that Item 2 of Schedule 1 of the Deed in relation to the Term, is replaced with "From the date this Deed is fully executed by both parties until 22 December 2026.

This deed may be executed in any number of counterparts and by the parties in separate counterparts. Each counterpart constitutes the agreement of each party who has executed and delivered that counterpart to the other party either physically or electronically. All such counterparts taken together will be deemed to constitute one and the same deed.

EXECUTED AS A DEED ON 19 December 2024

SIGNED, SEALED AND DELIVERED for)
and on behalf of the AUSTRALIAN CAPITAL)
TERRITORY in the presence of:)

Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

Robert Wright

Signature of witness

Print name

Lisa Irvine

Print name

SIGNED, SEALED AND DELIVERED by)
McGrathNicol Advisory (ABN: 34824776937))
in accordance with section ~~127~~ of the)
Corporations Act 2001 (Cth), the Partnership)
Agreement

Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

Print name and position



Note:

Date: Must be dated on the date the last party signs the Deed or, if signed counterparts of the Deed are exchanged, the date of exchange. Also date the cover page.

Company: Must be signed in accordance with section 127 of the *Corporations Act 2001 (Cth)*, for example, by 2 directors or a director and a secretary. Common seal may be affixed if required under the Supplier's constitution.



ACT
Government

Professional Standards Unit

Date TRIM No: CM24/138209
18 December 2024

To Robert Wright, A/g Deputy Director General - Office of Industrial Relations and Workforce Strategy

Through Christina Thompson, Executive Branch Manager – Professional Standards Unit

From David Collins, Senior Director – Professional Standards Unit

Subject Approval for Extension of Deeds of Grant for Panel Members to the Administrative Reviews Investigations and Related Services (ARIRS) Panel

- Executive Branch Manager 18/12/2024

Critical date and reason

1. 20 December 2024 as current Deeds are set to expire on 22 December 2024.

Recommendations

That you:

2. Note the information contained in this brief;

Noted / ~~Please Discuss~~

3. Sign the attached seven (7) letters of deed variation.

Signed / ~~Not Signed~~ / ~~Please Discuss~~

Feedback

Background

4. Between 23 December 2021 and 3 February 2022, eight (8) 'Services Panel Deeds' were signed and executed in relation to eight contractor companies being accepted as panel members on the Administrative Reviews, Investigations and Related Services (ARIRS) Panel. The deeds were valid for a period of 3 years from the date of signing.
5. Contained within each respective deed was an option for a two-year extension of the original deed, which, given other priorities occurring across the PSU and OIRWS, the PSU elected to offer to all eight panel members.

Issues

6. The current ARIRS Panel contracts are due to expire in December 2024 (expiry dates vary from 23 December 2024 through to January 2025). Within the current, active contract is a provision for a 2-year extension for each deed.
7. All eight (8) panel members have been contacted by the PSU and all have confirmed, in writing, of their stated intention to accept the option of the two-year deed extension. Five (5) members of the panel have provided a request to increase pricing rates.
8. Individualised letters detailing the enactment of the provision for a two-year extension have been prepared with attachments, where necessary, detailing changes in service fee costings.
9. Seven panel members have returned signed deed extension letters. The 8th panel member, HWL Ebsworth have acknowledged receipt of the new offer and have requested clarification relating to the new deed, which is currently with ACT Government Solicitors Office for consideration. This deed will be provided for your signature once received.

Consultation

Internal

10. Consultation occurred within the PSU regarding the appropriateness and authority for the extension of the current panel members.
11. The eight panel members were initially chosen due to superior original tenders to be on the panel. The PSU is aware of the ACTPS using, or the PSU has directly used the services of a lot of the panel members and no significant concerns or drivers for changing the panel currently exist.

Cross Directorate

12. Procurement ACT advised two options to extend the deeds: An exchange letter – whereby the PSU draft formal letters to panel members stipulating the extension with revised deed end date and any updated costings for the panel members services; or a deed variation detailing the same information as above, but delivered via deed format.
13. Consultation was undertaken with ACT Government Solicitors Office for support and advice regarding appropriate route for panel contact extension. GSO provided templated letters for distribution and advice on authority to extend.

External

14. Consultation undertaken with all ARIRS Panel Members regarding the intention to extend, and invitation for additional feedback into existing contract.

Work Health and Safety

15. No known work, health and safety impacts.

Financial

16. Based on communications provided by five (5) ARIRS Panel members, there are minor price increases attached to fees for the services stipulated within the contracts. These increases are, at most, no more than a 12% increase from the rates provided from the 2021 procurement.
17. All costs related to this panel are paid for by the directorate that require the services on a case by case basis. It is recommended that each time the panel is used at least two providers be approached to quote for the required work. There is no direct or ongoing cost to OIRWS or CMTEDD for the establishment of the panel.

Risks/ Sensitivities

18. Should the deed extension letters not be signed by 22 December 2024 a new procurement process will be required to be undertaken to provide external services when required.

Media

19. No media concerns.

Sch 2.2(a)(ii), Out of Scope

David Collins

Senior Director - Operations, Professional Standards Unit

18/12/2024

Attachment	Title
Out of Scope	
Attachment F	Letters of deed variation re McGrathNicol Advisory
Out of Scope	