Document Category: Ministerial Briefs

Title of document: Special Minister of State Question Time Briefs September 2021

Description of the information:

These Question Time Briefs contain some information the release of which would be contrary to the public interest, specifically dollar amount of waived license fees. This information is not available for the reasons outlined below.

Decision

I have decided to redact some of the information contained in these Question Time Briefs.

This decision has been made under sections 24(2)(b) and (c) of the *Freedom of Information Act 2016* (**FOI Act**) on the basis that it is contrary to the public interest to disclose.

Statement of reasons

In reaching my access decision, I have taken the FOI Act into account:

Sections 24(2)(b) and (c) allow for the Decision to be withheld on the basis that:

- the disclosure would, on balance, be contrary to the public interest under the test set out in section 17.

Public Interest Test – Section 17

The FOI Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process, I must consider factors favouring disclosure and nondisclosure.

Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and schedule 2 of the Act.

Factors favouring disclosure (Schedule 2 section 2.1)

Taking into consideration the information contained in the Question Time Briefs, I have identified that the following public interest factors in favour of disclosure are relevant to determine if release of the information is within the 'public interest':

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

> *(i) promote open discussion of public affairs and enhance the government's accountability.*
>
> *(ii) contribute to positive and informed debate on important issues or matters of public interest.*

I consider that release of the Question Time Briefs may contribute to open discussion of public affairs and enhance the government's accountability and contribute to informed debate on matters of public interest. I consider there is a public interest in the subject of these briefs, and I am satisfied that its release would increase transparency and accountability of the government.

<u>Factors favouring non-disclosure (Schedule 2 section 2.2)</u>

As required in the public interest test set out in section 17 of the Act, I have also identified the following public interest factors in favour of nondisclosure that I believe are relevant to determine if release of the information is within the 'public interest':

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

(xi) prejudice trade secrets, business affairs or research of an agency or person.

Having reviewed the Question Time Briefs and noting the matters that are covered, I am satisfied that the release of the redacted information relating to the waived license fees could reasonably be expected to prejudice the business affairs of the organisations. This factor carries significant weight when considered against the factors in favour of disclosure.

Having applied the test outlined in sections 17 of the Act, I have decided to release the Question Time Briefs with some information redacted. On balance, most of the information in the Question Time Briefs should be released, however I consider the information on the waived license fees is contrary to the public interest information.

Authorised By:



Heather Johnston
Information Officer

16 September 2026

Special Minister of State
Question Time Briefs
September 2021

Ref No	Page number	Title	Status	Reason for Exemption
1	4	E-Invoicing – ACT Government	Full	n/a
2	6	ACT Auditor-General's Report Procurement Exemptions and Value for Money	Full	n/a
3	8	The Role Undertaken by Procurement ACT in the Territory's Response to the Recent COVID-19 Outbreak	Full	n/a
4	9	Royal National Capital Agricultural Society (RNCAS) Support	Partial	Sch2.2(a)(xi)
5	10	Financial Impact of the COVID Lockdown on Venues Canberra Position	Full	n/a

This information is released under Section 23(a)(i) of the *Freedom of Information Act 2016* which requires the release of specified documents over five years old. Due to the age of the information being released it may not reflect current legislation or Government policy and phone numbers and webpages mentioned may not still be current.

QUESTION TIME BRIEF

5

Portfolio/s: Special Minister of State

e-Invoicing – ACT Government

Talking points:

- Currently, there is no mandated timeframe for ACT Government to implement e-Invoicing.
- While the Territory supports the Commonwealth's e-Invoicing initiative, the Territory's current automated invoice payment process is supporting business by processing and paying invoices within 14 days of receipt of a correctly rendered invoice. Where a supplier has a contract term which is less than 14 days, payments are made in accordance with that contract.
- The Territory will continue to work with the Commonwealth and other State and Territory jurisdictions on the e-Invoicing initiative.

Key Information

- As part of the Commonwealth Government's Digital Business Plan, the Commonwealth Government has announced that:
    - the Commonwealth will mandate e-Invoicing for all agencies by 1 July 2022, with over 80 per cent of invoices being able to be received electronically by 1 July 2021; and
    - it will also consult on options for mandatory adoption of e-Invoicing across all levels of government and by businesses.
- As part of the Territory's commitment to support business during the COVID-19 health emergency, the ACT Government reduced the standard payment terms from 28 days to 14 days. Currently all suppliers are paid within 14 days from the date of a correctly rendered invoice. Where a supplier has a contract term which is less than 14 days, payments are made in accordance with that contract.
- ACT Government payment times are tracked and currently 98 per cent of invoices are paid on time from the receipt of a correctly rendered invoice.
- A business case was previously submitted for the implementation of e-Invoicing, however, it was not approved due to competing priorities. A submission for funding will be submitted in the 2022-23 budget process.

Background Information

- e-Invoicing (or electronic invoicing) is the digital exchange of invoices directly between the accounting systems of a buyer and a supplier, using a proven international standard such as Peppol.

Cleared as complete and accurate:	10/09/2021	
Cleared for public release by:	Executive Group Manager Graham Tanton	Ext: 75757
Contact Officer name:	Calvin Robinson	Ext: 53819
Lead Directorate:	Chief Minister, Treasury and Economic Development	
TRIM Ref:	CMTEDD2021/4198	

QUESTION TIME BRIEF

- Widespread adoption of e-Invoicing can deliver significant benefits for Australian businesses by helping them reduce costs, improve productivity and get paid faster.
- On 22 February 2019 the Australian and New Zealand Prime Ministers issued a joint announcement on e-Invoicing confirming the two countries' intention to jointly adopt the Pan European Public Procurement On Line (PEPPOL) interoperability framework for Trans-Tasman e-Invoicing.

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QUESTION TIME BRIEF

7

Portfolio/s: Special Minister of State

ACT Auditor-General's Report Procurement Exemptions and Value for Money

Talking points:

- The Government is developing a response to the Auditor-General's Report. We are committed to ensuring that all procurement activity is undertaken in accordance with the provisions of the *Government Procurement Act 2001*, the Government Procurement Regulation and any relevant policy and guidance material.
- While Procurement ACT within the Chief Minister, Treasury and Economic Development Directorate provides guidance and training on the ACT Government Procurement Framework, agencies undertaking procurement are accountable for ensuring that value for money is pursued and evidenced in all procurement activities, including for procurements conducted under exemptions from quotation and tender.

Key Information

- The Auditor- General conducted an audit to assess the effectiveness of agencies' application of value for money principles when using an exemption from the quotation and tender thresholds in part 2 of the *Government Procurement Regulation 2007.* The Audit considered 33 procurements that utilised an exemption. These procurements represented the two highest value procurements undertaken in all Directorates and some agencies between March to September 2019 and March to September 2020.
- The audit found that agencies are effectively documenting the rationale for selecting a provider without an open and competitive process. The audit found some areas of improvement in relation to documenting value for money.
- The audit's recommendations aim to support agencies to improve the quality and comprehensiveness of procurement documentation and risk management in procurements using exemptions, as well as improve staff understanding of the importance of integrity and whole of life costs.
- The audit highlights the accountability of agencies undertaking procurement in ensuring that their procurement activities are consistent with the ACT Government procurement framework.

Background Information

- The audit found that exemptions to the tender and quotation thresholds set out in the *Government Procurement Regulation 2007* were used in approximately a fifth of all ACT Government procurements in the most recent three years. This equates to 770 procurements with an estimated value of approximately $395 million.
- The Government response to the audit is due in October 2021 and Procurement ACT is preparing a draft response for consideration in September 2021 in accordance with standard cabinet processes.

Cleared as complete and accurate:	17/08/2021	
Cleared for public release by:	Under Treasurer	Ext:
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Lead Directorate:	Chief Minister, Treasury and Economic Development	
TRIM Ref:		

- The audit noted an overall high compliance with the reasoning for seeking an exemption from the quotation and tender thresholds. It identified, however, that the application and documentation of value for money assessments could be improved in relation to probity and ethical considerations, management of risk and optimising whole of life costs as described in section 22A of the *Government Procurement ACT 2001.*
- The recommendations largely focus on opportunities for greater promotion of Procurement ACT's existing offerings such as templates, fact sheets and the Probity in Procurement Guide, as well as the need for additional or more targeted training offerings. The four recommendations cover:
    - *Value for Money Documentation* – promotion of existing templates and training to support the use of them and the assessment of value for money in procurements using exemptions.
    - *Integrity in Procurement* – promotion of the Probity in Procurement Guide (2020) and training on probity risk assessment and monitoring conflicts of interest.
    - *Procurement Risk Assessments* –development of better practice guidance on the management of procurement risk and a review of the risk assessment template.
    - *Whole of Life Costs Policy* – the development of better practice guidance on optimising whole of life costs in procurements using exemptions.
- These recommendations build on Procurement ACT's work to uplift procurement capability across the ACT Government.
- Procurement ACT has an enhanced program of training and support initiatives which includes:
    - a suite of eLearning Modules, which includes a Probity in Procurement Module;
    - face to face, customised training sessions;
    - fact sheets and better practice guides;
    - procurement training bootcamps, which includes Value for Money Training for all Senior Executives across the ACT Government; and
    - a Procurement Capability Framework.
- It should be noted that agencies are not required to use Procurement ACT's services, and that Procurement ACT has no authority to compel agencies to use templates, guidance, or processes, or to otherwise comply with their legislative requirements.

QUESTION TIME BRIEF

8

Portfolio/s: Special Minister of State

The Role Undertaken by Procurement ACT in the Territory's Response to the Recent COVID-19 Outbreak

Talking points:

- Procurement ACT has senior officers participating in cross Government working groups and committees.
- Procurement ACT officers are providing support to agencies in identifying and meeting their procurement needs as well as managing shifting requirements as a result of the Government's response to COVID-19, including:
    - urgent procurement of goods and services;
    - sourcing of scarce and/or high demand products;
    - the need to lock down supply chains; and
    - speedy release to market of stimulus and support measures.
- Procurement ACT is also supporting agencies to consider how to structure their procurements to support local businesses and jobs.

Key Information

- Procurement ACT is taking a coordination and facilitation role to procure critical items identified by the relevant areas coordinating the COVID-19 response.
- Procurement ACT is working with agencies to help identify urgent and/or critical procurements for prioritisation and is re-shaping its support to best expedite those procurements where applicable.

Background Information

- Nil response.

Cleared as complete and accurate:	16/08/2021	
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Lead Directorate:	Chief Minister, Treasury and Economic Development	
TRIM Ref:		

QUESTION TIME BRIEF

CM2021/3394

Portfolio/s: Special Minister of State

Treasurer

Royal National Capital Agricultural Society (RNCAS) Support

Talking points:

- RNCAS wrote to the Territory on 9 September 2020 seeking an urgent meeting, noting their financial position. During the 2020 Election Caretaker period, the Territory met with RNCAS and an agreement was reached to defer repayments of outstanding debts to Venues Canberra until March 2021.
- The letter from Mr Rick Jones, President RNCAS to the Chief Minister's Office, noted that if the Territory were to call in this debt, RNCAS would be unable to continue trading.
- RNCAS wrote to Venues Canberra on 16 February 2021 with a proposed payment plan. Venues Canberra prepared a brief for the Treasurer and received approval to accept this payment plan.
- Venues Canberra have formally advised RNCAS of the acceptance of the payment plan.

Key Information

- On 15 December 2020, RNCAS announced that the 2021 Royal Canberra Show would not operate due to COVID-19 restricitons. Instead, cattle and dog events with less than 500 patrons went ahead on the designated weekend.
- RNCAS was found eligible for the ACT Government rent relief scheme for community and commercial tenants of ACT properties impacted by COVID and received rent relief waivers for the period April 2020 – June 2021. As such, the Territory has foregone Sch2.2(a)(xi) in licence fees.
- The Territory has recently announced an extension to the above rent relief scheme for the period July – September 2021. RNCAS have been provided with the application details.

Background Information

- For out years, any new model for the Royal Canberra Show may result in changes to RNCAS's annual fee.
- The deferral of repayments from RNCAS to Venues Canberra until March 2021 did not result in cash flow issues for Venues Canberra. Venues Canberra received funding of $3.729 million in 2020-21 from the Treasury led COVID-19 omnibus cabinet submission.

Cleared as complete and accurate:	07/09/2021	
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TRIM Ref:	CM2021/3394	

QUESTION TIME BRIEF

2

Portfolio/s: Special Minister of State

Treasurer

Financial impact of the COVID lockdown on Venues Canberra Position

Talking points:

- Due to ongoing health directions, Venues Canberra has been unable to host its normal calendar of events.
- EPIC, GIO Stadium and Manuka Oval have not hosted any major events in this financial year.
- This has resulted in a significant reduction in commercial revenue streams such as catering, ticketing, pourage, signage, sponsorship, hospitality, corporate functions and equipment rental.
- EPIC is being utilised for various government initiatives including the drive through testing centre and the Canberra Relief Network is occupying the Fitzroy Pavilion.
- Manuka Oval is scheduled to host two Big Bash League cricket matches in December 2021. Under current directions, no crowd attendance is permitted at our venues.
- Venues Canberra is currently refunding amounts for signage at GIO Stadium based on a reduction of events as per agreements with our partners. Significant pre paid corporate hospitality is also being returned.
- An extension to the ACT Government rent relief scheme for community and commercial tenants of ACT properties impacted by COVID has recently been announced. It is expected that many Venues Canberra tenants will be found eligible.
- The estimated negative financial impact of COVID restictions on Venues Canberra for the period July 2021 – September 2021 is in excess of $1 million.

Key Information

- Venues Canberra have notified CMTEDD Strategic Finance of the expected shortfall. The loss of revenue and increase in expenses is being reported monthly via CMTEDD Stategic Finance's COVID tracker.
- A brief is being prepared for the Treasurer, detailing the financial impact to Venues Canberra of COVID for the first quarter of 2021-2022 along with scenarios for the remainder of the financial year.

Background Information

- Venues Canberra received funding of $3.729 million to meet forgone revenue for the 2020-21 financial year. This was as a result of the Treasury COVID-19 omnibus Cabinet submission.

Cleared as complete and accurate:	07/09/2021	
Cleared for public release by:	Executive Group Manager	Ext: 75618
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TRIM Ref:	CM2021/3394	

QUESTION TIME BRIEF

- At the end of the 2019-20 finanical year, Venues Canberra received a Treasurer's Advance (TA) for $2.5 million.
- This amount was for the period 17 March 2020 to 30 June 2020 and covered the net loss of cancelled events, downturn in functions and camping and reduction in rent.

Cleared as complete and accurate:	07/09/2021	
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