

Joint Committee of Public Accounts and Audit

ANSWERS TO QUESTIONS ON NOTICE

Inquiry into the failed visa privatisation process and the implementation of other public sector IT procurements and projects
Public Hearing – 24 April 2024

Department/Agency: Digital Transformation Agency

Topic: Public Interest Disclosure

Asked by: Julian Hill

Type of question: Hansard

Date set by the committee for the return of answer: 24 May 2024

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Question:

CHAIR: Just to be clear, I'll put it back to you on notice in a more precise kind of form. Don't take any implied criticism or inherent concern. I think your word, Mr Fechner, was 'augment'. That makes perfect sense, and that makes you a model, I suppose, of what we're talking about more broadly. You've got to have internal capability—in your case, across each of the six areas. That should give you a reasonable capacity, but then—whether for highly technical stuff or, more likely, additional capacity—at points in time you need to augment with externals, consultants, contractors, experts or whatever. That makes perfect sense. There's no problem with that.

I'll just leave it to both of you to reflect on notice in circumstances where that happens—even if, as you're saying, it doesn't happen very often, because you might go to other agencies or colleagues as a first call. I think the evidence or suggestion would be that at times you do augment. Can you reflect in your conflict of interest and probity checks to make sure that they're reaching out properly into the agency that they're working on? Do you get the point that we're making? Pick an agency—DEEWR for instance, because we were talking about them earlier. If they were engaging a consultant or an ICT consultant, they would automatically check that they're not engaged in any of their current projects. If you were undertaking the function that you referred to in your submission in advising agencies on their immediate digital needs and priorities, and you supplement it, can you just reflect—it's a housekeeping question in some ways—do your procedures ensure that that double check is done and you've checked with the agency? Because we have had a number of unfortunate instances in recent times of almost insider trading where consultants are getting privileged information that they can then use through other jobs they're also doing with an agency. Does that make sense as a question?

Mr Quarrell: In terms of providing advice to government or to agencies on particular digital and ICT proposals as they're going through government which will go through cabinet, that's normally held very, very tightly, and we wouldn't be necessarily sharing that with contractors or augmented staff. But I think we can take that on notice.

Mr Poels: There are certainly other parts of our framework, including sourcing in particular, where we have very strong probity requirements, but I think we will go back and look across the whole IOF states and give you a robust response.

Mr Fechner: I'll throw in the last one for the Department of Finance. We've also incorporated the Department of Finance advice for ensuring high ethical standards in the acquisition of contracts.

CHAIR: Okay, that's fine. There's no malicious intent. It's just a double check, and I think you get the point that I'm making. Sometimes, if you're buying people in, we just want to be assured that your conflict of interest checks also reach back into the entity that you're buying someone in from to do some work on or help you with the thinking on.

Answer:

The Digital Transformation Agency's (DTA) investment advice functions are considered 'core' functions for the purposes of the Australian Government's [APS Strategic Commissioning Framework](#). This means the use of consultants and contractors is strictly limited in accordance with the Framework. Advice to Government on proposed digital investments is led exclusively by public servants engaged under the *Public Service Act 1999*.

In the limited circumstances where consultants and contractors have been engaged to augment core DTA teams with specialist skills, mandatory conflict of interest checks as well as strict confidentiality requirements can and have been applied.