

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

SELECT COMMITTEE ON ESTIMATES

(Reference: Appropriation Bill 2002-2003)

Members:

**MR G HUMPHRIES (The Chair)
MR J HARGREAVES
MS R DUNDAS
MRS V DUNNE
MS K GALLAGHER**

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 31 JULY 2002

Secretary to the committee:

Ms S Leyne (Ph: 620 50490)

Mr R Power (Ph: 62050435)

By authority of the Legislative Assembly for the Australian Capital Territory

The committee met at 9.09 am.

Appearances:

Mr J Stanhope, Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women

Department of Justice and Community Safety

Mr T Keady, Chief Executive

Mr B Lenihan, Director, Resource Management

Mr J Ryan, Director, Corrective Services

Mr I Bennett, Fire Commissioner

Mr P Lucas-Smith, Director, Bushfire and Emergency Services

Ms E Kelly, Executive Director, Policy and Regulatory Division

Mr D Jory, Policy and Regulatory Services Division

Mr T Brown, Director, Office of Fair Trading

Ms A Casimir, Acting Director, Criminal Law and Justice Group

Mr A Taylor, Registrar-General

Dr T Murney, Director, Services

Mr J Murray, Commissioner, ACT Policing

Ms D Kargas, Public Trustee

THE CHAIR: Welcome back, Minister. Thank you for your attendance, and that of your officers, at today's hearing. We will go through the usual housekeeping.

As a reminder, we ask for questions on notice to be answered within three full working days. We will email you the transcript so you can see what it says and take any questions on notice. We ask members to identify any questions which are to be taken on notice, so there is no doubt about that, and to give page references, if possible.

Proceedings are being broadcast to specified government offices and the media may record proceedings and take footage. Morning tea will be at about 10.30, and afternoon tea at about 3.30. Then there is the usual injunction to witnesses.

You should understand that these hearings are legal proceedings of the Legislative Assembly, protected by parliamentary privilege. That gives you certain protections, but also certain responsibilities. It means you are protected from certain legal actions, such as being sued for defamation for what you say at this public hearing. It also means you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter.

I ask the witnesses coming to the table to state their names and the capacities in which they are appearing. We will now go through the program for the day and work out how that is going to operate.

Minister, you were going to take on notice last night the question of what you want to do about the other areas of your portfolio. Have you a recommendation to make to us?

Mr Stanhope: Thank you, Mr Chair. I assume this is in relation to Health.

THE CHAIR: Yes.

Mr Stanhope: The difficulty I face, in inviting officers back, is just how long the Attorney-General's Department will take. I am disinclined to do that, having regard to the fact that some officers spent the entire day here yesterday and were not called.

THE CHAIR: We have already estimated that there are about an hour of questions. Perhaps the safe course of action would be to say we would not require them before half past three.

Mr Stanhope: I will arrange for those parts of the health portfolio that were not called yesterday to be here at 3.30 pm.

THE CHAIR: Let us go through the agenda for today. I know there are a number of your officers here. It would be good to be able to ascertain whether we need all of those officers to be present. I assume the general areas of the department will be required, such as policy advice, justice and legal services and regulatory services. There are questions for the Agents Board, the Legal Aid Commission and the Public Trustee. We may need to hear from the crime prevention area, drafting services, the Government Solicitor, and legislative drafting.

We will not require, today, the officers of the courts, Government Solicitor, Parliamentary Counsel, Discrimination Commissioner, Community Advocate, Victims Assistance Board, Electoral Commissioner, Commissioner for Fair Trading, Registrar-General or Commissioner for Land and Planning. You can indicate to those people that they are not required. However, they should not hit the golf course, in case we need them for unexpected reasons.

Minister, do you wish to start with an opening statement of any sort? If not, I will start with a question about a government initiative. The ACT Consumer Law Centre has been provided with funding of \$103,000. Can you tell us a bit about the centre, such as where it will be located? Will there be salaried officers in the centre? Who will operate the centre? Under what kind of access hours are we expecting it to operate?

Mr Stanhope: Thank you, Mr Chair. This is a significant new initiative of the government. We are consulting on that range of questions. I will ask Ms Kelly, the head of policy, to give a rundown on the processes in which we are engaging, in that regard.

Ms Kelly: My name is Elizabeth Kelly. I am the executive director of policy and regulatory services.

When the initiative was announced, we commenced negotiations with the community legal centres group—the group that initially brought the idea to the government. We asked the community legal centres group where they thought the centre should be located. They had done a proposal, on the basis of a model, for the functioning of the centre.

They came back to us, the week before last, and said that the community legal centre should be located within CARE Inc, which is the financial counselling service. The reason for that is that the amount of money is to be used to employ one solicitor and a

part-time administrative paralegal assistant. That was never designed as a stand-alone body, so it has to be located within an existing community legal centre. CARE has been identified as the appropriate legal centre.

As you know, CARE has considerable expertise in consumer law, particularly in relation to the area of consumer credit. It is increasingly moving into more general consumer law issues. That was seen as the appropriate venue. We are still in the process of negotiating the exact arrangements for the centre. The principal of CARE is currently on leave. Shortly after his return, at the end of next week, we hope to have arrangements in place.

THE CHAIR: Was CARE selected on the basis of a tender process, or some other competitive process?

Ms Kelly: The community legal centres were approached to see where the appropriate place would be, on the basis of the bid they put to government. They indicated that CARE was the appropriate place to put it. CARE was selected on that basis.

THE CHAIR: I am sure we are all aware of the history of CARE's previous legal consumer credit service. I do not think it is putting too fine a point to suggest that there were some misgivings on the part of the justice department about that service. Are we wise to go back into an arrangement remarkably similar to one which, prior to its termination a couple of years ago, was considered by the department to be unsuccessful?

Ms Kelly: Mr Chair, all I can say is that a need has been identified to develop the consumer law centre, and CARE has the expertise. We will be developing an agreement which includes a requirement for performance information and certain performance standards. We will be monitoring and managing that agreement with them over the period of the centre. We will ensure safeguards are put in place in relation to the performance of the centre. In that agreement, the work of the centre will be carefully defined.

Mr Stanhope: I make the point that the department is responding to a government decision—I reiterate that. I am not sure it is appropriate to ask Ms Kelly to respond to reasons why the government has made the decision. The decision was made on the basis of a need identified by us. I consulted with each of the existing community legal services in the ACT, in relation to where they believed the most significant or identifiable need for an additional community legal service was. This was the area unanimously identified by the legal centres in the ACT.

The government has responded to that in relation to our commitment to close what we perceive as a gap in the availability of legal services for people with consumer issues, who might otherwise miss out. I emphasise that this is a decision the government took and one which the department is implementing.

THE CHAIR: I understand that. I assume you took the decision, having heard the advice of your department about the history of CARE's involvement in the previous manifestation of such a service.

Mr Stanhope : This is a different service that is being pursued. This is the engagement of an additional solicitor and administrative officer, to pursue issues of concern to those consumers who would otherwise not have legal services available to them. I believe that, with the process that has been followed and the advice made available to the department in relation to an appropriate home for this service, the decisions that have been taken are appropriate.

THE CHAIR: How will the service be different from the one previously operated by CARE?

Mr Stanhope : I will ask Ms Kelly to respond to that.

Ms Kelly: I am new to this position, so I was not here during the operation of the previous service. My understanding is that the previous service was limited to credit matters, whereas this will be a general consumer law function. A lot of the work will still relate to credit, but we are increasingly finding that credit issues lead into other general consumer law issues. Therefore, a need has been identified to deal with the problem as a whole. That is why, in Western Australia and Victoria, the consumer credit legal centres have become consumer law legal centres. Our centre will be developed very much on the model that exists elsewhere.

THE CHAIR: You said there are going to be carefully drafted agreements in place to monitor performance. There will presumably be performance criteria capable of being monitored and reported against?

Ms Kelly: We are still involved in negotiations in relation to that. However, it is envisaged that we will set out what we expect the service to provide. We will require performance information in relation to the way those services are provided.

THE CHAIR: Will those reporting criteria be available in some kind of public report?

Ms Kelly: That detail has not yet been determined.

Mr Keady: I am Tim Keady, Chief Executive, Department of Justice and Community Safety. I think I can say that, yes, the arrangement we will enter into will be a publicly available document.

The normal arrangement with these kinds of links with non-government organisations will be set out explicitly—the performance criteria, the funds to be provided and the requirement to receive back from the service agency an account of the services provided, in accordance with the specifications. As Ms Kelly has been saying, there is a need to develop those criteria in the first instance. I do not imagine that will be too difficult. We will then agree on a reporting cycle. That will be at least annual—and it may be more frequent. However, we would not want it to be too onerous for an organisation which will have limited resources.

THE CHAIR: I turn to the question of the government's plans for the Supreme Court.

Mr Stanhope : The building, or the court?

THE CHAIR: The building itself. I might ask about the membership of the court later on, but I am referring to the building of the courts.

Mr Stanhope: Are you an applicant?

THE CHAIR: I have other irons in the fire, thank you, Minister.

What is the government's plan? Before the election, you indicated that you felt that a new Supreme Court building was unwarranted—and a waste of money. You will have heard advice about the feasibility of retaining the existing building—presumably the same advice I received as Attorney-General. What is the government's present view about that?

Mr Stanhope: Thank you, Mr Chair. I am not sure exactly what I said, but I certainly indicated that I did not regard a new Supreme Court as a priority. I admit that my language was reasonably strong to that effect.

THE CHAIR: It was that there was no need for a new Supreme Court building.

Mr Stanhope: I am not sure I said it was a waste of money—but it certainly was not a priority.

THE CHAIR: I will fish out your press release, if you like. I think you did say that.

Mr Stanhope: It did not loom large on this government's list of priorities. I do not resile from that. We confront a whole range of priorities. The prospect of the government finding \$30 million to \$40 million for a new Supreme Court building was not a prospect that loomed large as a priority in my thinking.

I accept—since becoming Attorney perhaps the point has been made to me reasonably forcefully—that the current Supreme Court building is certainly inadequate for its purpose. On a number of visits to the court and the Chief Justice over the past six months, I have had drawn to my attention some of the patent inadequacies of the building—inadequacies or deficiencies of which I was aware.

I have asked Mr Keady, the head of the department, to begin investigating options—not for redevelopment but for development. I have asked Mr Keady to develop options for delivering a new Supreme Court building at some stage in the future. There are other possibilities, rather than straight government funding. There is perhaps an opportunity for a public/private partnership in relation to the development of a new Supreme Court building.

There are a range of issues around the Supreme Court. It is, as you know, a heritage-listed building. It is a building which currently has, for instance, no access for the disabled. There is some concern as to the adequacy of the configuration of the courts in that building. We have moved, in this budget, to provide funds to ensure that there is an upgrading of some of the features of the building, acknowledging that there will not be a new a Supreme Court building in the ACT for some years, even if we were prepared to give the green light now.

To be frank, my position with regard to the Supreme Court has softened somewhat in the past six months. I acknowledge there is a need, but I do not regard it as a high priority. I am happy for the department to begin to develop options, particularly in respect of funding.

THE CHAIR: I think you will find, when you do that work, that the options do not include retention of the present building as the whole and sole home of the Supreme Court. The building is just not adequate—it is not large enough for the purpose. If you go ahead and construct a new building—and I suspect you have no choice but to do that—are you prepared to consider accommodating other services related to the legal area in that building? I refer to government agencies such as the DPP or, for that matter, private operations such as barristers' chambers.

Mr Stanhope: Most certainly. That begs some of the questions around the Supreme Court and its utilisation. That is one of the difficulties we face, having regard for the configuration of the building in its current layout. It is very inefficient, as it currently stands, for anything other than a court. That is one of the problems.

Perhaps Mr Keady can confirm this. I do not know for how much longer the Department of Justice is signed up in its current accommodation. Perhaps the Supreme Court will be an appropriate home for the Department of Justice at some stage. When you think of a building which might be converted for use as an office, this is an uncomfortably configured building and, because it is heritage listed, there are some difficulties around altering that configuration. Certainly it would have to be utilised as a home for a department, organisation or agency. I had not thought about the possibility of it being used by the private sector. That might be a way around some of those difficulties. It could be a potential new parliament for the ACT.

THE CHAIR: I do not know about the separation of powers working in that context, Minister! I am sure they would want the Supreme Court to be on the top floor, if that was in the same building as we are.

Are there any issues people want to raise—or any questions on those matters? If there are any other questions about the court building, ask them now or otherwise we will move on.

The bill of rights committee has been given \$89,000 to do its work in the course of this year. What is that money going to be spent on?

Mr Stanhope: Perhaps it is appropriate that I ask Ms Kelly—an ex officio member of the bill of rights committee—to give a rundown on the work the committee is doing and how it is assumed, at this stage, its budget will be expended.

Ms Kelly: The amount of \$89,000 was set aside, on the basis of payment of sitting fees for members of the committee. The three members of the committee are remunerated. As you will know, the committee has already published an issues paper—and there will be a further brochure being delivered in your *Chronicle* next week. There is also a background paper and, ultimately, there will be a report. There is a minimal amount set aside for printing of material; there are amounts set aside for advertising, a graduate

research assistant and for the conduct of a deliberative poll to determine the views of Canberra residents on the bill of rights.

THE CHAIR: This deliberative poll—when and how would that be conducted?

Ms Kelly: We are still in negotiations in relation to that. At this stage, we hope it will be conducted at the end of November or the beginning of December.

MRS DUNNE: By whom?

Ms Kelly: We are negotiating with a group called Issues Deliberation Australia—the only accredited deliberative polling provider in Australia. That company, which is South Australian-based, conducted the polls in relation to the republic and reconciliation.

THE CHAIR: I am glad to see one of the proposals of the former government being picked up and used in this way. It is a very good idea.

Mr Stanhope: I have always been an advocate of deliberative polling. I am not an advocate of the holding of referendums on social issues, but I have always been supportive of and an advocate for deliberative polling. I believe it has a significant role to play.

As you know, I have always said it is important, in relation to significant issues such as the bill of rights, for the community to be actively involved and engaged in the debate. At the outset, I asked the bill of rights committee to be innovative and to try to stretch the boundaries in relation to its consultative methodology. I truly support the work that committee is doing. Perhaps it is just another one of those issues, Mr Chair, on which we are as one.

THE CHAIR: I do not think so, Chief Minister.

Mr Stanhope: Not so much the ultimate issue but the methodology being pursued in relation to its investigation.

THE CHAIR: An issue on which we are probably not as one is the way in which the committee is being tasked to do its job. I do not know Ms Kelly's views about the bill of rights—neither do I think I should ask them in this forum. However, don't you think there is a problem in having a committee established to examine this issue—one of the terms of reference of which is to ask the question, "Should there be a bill of rights for the ACT?"—when a majority of its members have already publicly expressed their support for such a concept? Are these people not being both adjudicators of the issue and players in the debate?

Mr Stanhope: That is an interesting point—something we could have a debate about. The people appointed to this committee are all experts in relation to a range of issues. Certainly Professor Hilary Charlesworth is acknowledged as an active supporter of rights, and the protection of rights.

THE CHAIR: A bill of rights.

Mr Stanhope : Certainly she is supportive of a bill of rights as a method of ensuring the greatest possible protection of rights. I guess this is part of the conundrum in relation to this sort of issue, but, certainly in Australia, Professor Charlesworth—and I say this advisedly—is acknowledged as the pre-eminent expert on issues around rights, and human rights. I do not mean as an advocate of a bill of rights, but in the area of rights. She is the Director of the Institute of Public Law at the Australian National University. She has just spent a year at Harvard, and her reputation is acknowledged both nationally and internationally.

THE CHAIR : I think the committee would acknowledge Professor Charlesworth's views on rights, et cetera.

Mr Stanhope : I think we need to acknowledge her reputation.

THE CHAIR : The committee would acknowledge that she is an eminent person and probably the best person in the territory to lead the committee. However, the other member of the committee has a similar, publicly-stated, predisposition towards having a bill of rights.

Mr Stanhope : I am prepared to accept that. I am prepared to accept that it is true that Professor Charlesworth is supportive of any mechanism to ensure the protection of rights—and Professor Behrendt similarly, in relation to her experience. As an indigenous person and a professor of law, she brings another perspective to a debate around a bill of rights.

I believe it is vital, in any discussion around rights and the protection of rights, that there be the potential for indigenous people and indigenous issues to be involved in such an important debate—not necessarily that an indigenous person be a member of the committee.

The other member of the committee is Ms Penelope Leyland. When Ms Leyland was approached, I had no idea of what her views on a bill of rights were, but she is a person who does express some support.

This is an eminent group of highly respected and unimpeachable people whom the government has tasked to do a certain job. They have been presented with a set of terms of reference.

It would be regrettable if it were suggested that these people would assume the task they have agreed to undertake in a way that we cannot trust. We are dealing here with a group of the most eminent Australians—not just eminent Canberrans—people with international reputations in relation to this area. We have given them terms of reference and they have accepted those terms of reference. The first of the terms of reference is to seek to understand the community's view in response to this issue.

It would be regrettable if it was suggested that these people will all bring a preconceived notion to the task, and that we cannot trust them—that the work of the committee is not to be trusted and not to be respected—and if it were said that we need to ensure we appoint people who are opposed to the prospect, in order to guarantee that there is some balance.

THE CHAIR: People who are neutral on the subject, or have not expressed a public view on it. Surely even that would be an advance on having the committee consist of people who have already publicly stated their previously held and explained position on one of the terms of reference of the committee.

Mr Stanhope : I am not aware that Ms Leyland has ever expressed a public view.

THE CHAIR: I think both those academics have expressed their views publicly, on the record.

Mr Stanhope : It may be that both Professor Charlesworth and Professor Behrendt have, but, as far as I am aware Ms Leyland has not done so. It is a conundrum, in relation to any inquiry that is pursued.

We suffered the same debate and the same issue in relation to the education inquiry established by Mr Corbell. There is some suggestion that, because the person has made certain statements on the public record about an issue, her work is not to be trusted. I do not accept that. I believe that the standing and reputation of the members of this committee is of such an order that their professionalism simply cannot be questioned.

If this committee determines that there is no support—or that there is limited support—within this community for a bill of rights, I have absolutely no doubt that that is what they will report to me and to the community. I have no doubt about it at all. If the people who constitute this committee come to a conclusion—especially having regard for the consultative work and deliberative polling—and the outcomes of that are that this is just not a goer; that nobody cares and people are downright opposed, then I have no doubt that that is what they will tell me.

MRS DUNNE: Will you listen?

Mr Stanhope : I always listen, Mrs Dunne!

THE CHAIR: All right. Moving on to the Sentence Administration Board, the board is to receive \$585,000 to do its work. What will that money be spent on?

Mr Keady: I will do my best to answer the question. It is part of the corrective services portfolio.

THE CHAIR: I am sorry—I thought it was part of this portfolio. I will put that question on notice. A component of its task is about increasing awareness and recognition of victims as part of the criminal justice system. Some of its work is not within your portfolio?

Mr Keady: It is within my department, but it is part of the corrective services area, for which Mr Quinlan is responsible. Of the funds provided, some will go towards new victim notification arrangements and consultation, as part of the work of the Sentence Administration Board.

THE CHAIR: On a related issue, you, Minister, as Shadow Attorney-General, asked a series of questions last year with regard to information on sentencing patterns, and issues relating to sentencing, in the ACT. I was wondering what work is going on at the moment. I assume this is also part of the department for which you are responsible. What work is going on with regard to sentencing options and sentencing enforcement within the department?

Mr Stanhope: This issue is of interest to me as Attorney. There are a whole range of issues around sentencing, and the law in relation to sentencing. It is an issue of live public interest and debate from time to time—not just in Canberra but around Australia—particularly as the issue goes to the adequacy of sentencing. In public discussion, I think politicians and parliaments should always be careful about issues around the law and order debate and the roles and responsibilities of parliaments vis-à-vis the courts—and also with regard to the expectations we have of our magistrates and judges, in relation to sentencing, the rights of judges to determine sentences—and the adequacy of sentences.

I am one of those who believes that, because our selection processes for appointment to the bench—being mindful of the expertise of the person we are appointing—a judge remains singularly the best person to determine what an appropriate sentence is in a particular circumstance. I believe this is an area where parliaments and politicians need to be careful with their injections into the debate.

I hold certain views about the need for us to be capable of thinking laterally about appropriate sentencing, especially in relation to issues around people who abuse substances, and also around issues in relation to indigenous people. There should be appropriate ways of ensuring that their sentences take into account issues of diversionary conferencing. I am conscious of the work that has been done here in the ACT in relation to that. I am concerned to see whether we, as a jurisdiction, have picked up some of the lessons that might have been learned through the analysis or evaluation of diversionary conferencing.

I have initiated a full review of sentencing in the ACT. The review is being done by the policy group within the department, within its existing resource constraints. I will ask Ms Kelly to give a rundown on what will be involved in that review.

Ms Kelly: The review is focusing on the use of non-custodial sentences, and other sentencing options. A discussion paper is currently being drafted, which will be released shortly. One of the most exciting parts of the review is the development of a survey, to be completed by magistrates when they sentence. That will be the first piece of empirical research about sentencing patterns that we are aware of in Australia. That has been developed in conjunction with the AIC.

We have also had the assistance of Professor John Braithwaite, from the school of restorative justice, and Lisa Collins, of the AIC, in doing that. We have been working with the Chief Magistrate in relation to the survey. We are hopeful that we will have the survey underway by the end of the year.

We are also focusing on diversionary programs. As you know, the RISE program in the ACT was one of the early diversionary conferencing restorative justice programs. Things have moved on quite a lot, both in Australia and overseas—particularly in New Zealand.

People have developed the model quite a way from where we were with RISE. We are very interested in looking at that experience, and perhaps moving it along a step further, to make it appropriate for the needs of the ACT. Those areas will be the focus of the review. We hope to have the product of the review by early next year.

THE CHAIR: I notice that other states have been looking at things like sentencing guidelines—New South Wales in particular. Are there any plans to monitor and perhaps emulate that work in the ACT?

Ms Kelly: That is not part of the review.

Mr Stanhope: In relation to that, I think it is fair to say that, as a government, or as a jurisdiction, we would monitor developments around Australia. However, I would need some convincing that other sentencing guidelines are appropriate to ACT circumstances—certainly at this time. It is not an initiative I propose to pursue at the present time.

Mr Keady: The initiative was taken by the New South Wales Court of Criminal Appeal, which developed the notion or concept of guideline judgments. There has been considerable discussion about that in the High Court and elsewhere. I think New South Wales is the only state to have gone down that path. A sentencing review was recently completed in Victoria, which I do not think advocated that. A similar review is about to be released in Western Australia. I believe that is a work in progress, and it is not yet clear whether other jurisdictions see that as useful.

THE CHAIR: In last year's budget, about \$1.5 million was allocated for intervention programs to reduce recidivism. I am under the impression that those programs have been wound back or cancelled. Am I right about that?

Mr Keady: No. Again, we are talking about corrective services now, where those funds were appropriated, but I would have to check. Those programs are still in existence. Some of those funds were used for juvenile justice programs at the time.

Youth justice does not fall within my department, so obviously the funds we received, which were applied for those purposes, have now gone across to the other department. So far as corrective services are concerned, no, I do not think there has been any winding back.

MRS DUNNE: I will ask the minister this, because it might get flick-passed to Mr Keady. With this overall decrease in the JACS budget, of just under \$1 million, first of all, where are those cuts going? They were identified from Treasurer's as across the board savings. Where are those cuts going to be worn?

Mr Stanhope: I will ask Mr Keady to give the detail of that.

Mr Keady: It is a total of \$850,000. The reduction has been spread across all our cost centres, in a proportionate fashion.

MRS DUNNE: Could you speak up a little, please? There is no amplification on that microphone—it is for Hansard.

Mr Keady: The funds, or the reduction in budget, will be spread across the department through reductions in administrative expenses. They will be largely absorbed there.

At this point, it is a little difficult to predict precisely what the impact will be. Like all of these things, it will be monitored closely. The experience of individual agencies will be monitored centrally in the department, and we will adjust and move funds around where necessary. Fundamentally, we are looking to absorb those cuts in administrative expenses without impacting on our operational responsibilities.

MRS DUNNE: It is just a little less than 1 per cent of the JACS budget. There are no areas that are quarantined? Emergency services, or anything like that, are not being quarantined?

Mr Keady: No.

MRS DUNNE: It is not falling into the core Attorney-General areas, or anything like that?

Mr Keady: No. For example, ESB is a substantial part of the department. Should we quarantine it and require the rest of the department to absorb it, obviously that would be a difficult task. No. It has been spread right across the department.

MRS DUNNE: The trouble is that you say a lot of this would constitute administrative expenses, but in many ways a lot of your core work is administrative. Where do you make those cuts? Will they be cuts from drafting, from advice or from representation?

Mr Keady: I do not know if I can be that specific. In a sense, it will be a matter for each cost centre manager to work through their budget and work out how best to accommodate the reduction. They will still have the obligation to maintain their core responsibilities. These sorts of challenges can be difficult to accomplish, but that is our task, and we will accomplish it.

MRS DUNNE: The undertaking is that the users of the department should not see any change.

Mr Keady: That is correct.

MRS DUNNE: That just the staff of the department will see the change?

Mr Keady: There is definitely a challenge there for all our managers. We will accomplish that without reducing our core outputs.

THE CHAIR: I am a bit concerned about that answer. Other agencies have been asked to detail where cuts are falling and have been able to outline cuts in specific areas. The work of this committee is to overview the effectiveness of this expenditure of money. We do not know anything about how these cuts are going to impact on this department. We do not know what areas are going to suffer. It is hard to imagine how \$850,000 can be taken out of a small department, without there being some impact on the quality of service the community receives.

Minister, if there are decisions yet to be made about the way this impacts, are you going to report to the Assembly on how those cuts are made? You are going to have to cut staff. There is no way you can cut \$850,000 out of a department this size and not cut staff. Can we be told—if not now, then later—which areas are going to receive those staff cuts?

Mr Keady: We can certainly report on how they are applied. It will be a little easier to do it retrospectively. There will be some staff cuts, because we will make decisions as we go along. We will spread these cuts out across the number of agencies we have. The impact on some agencies is not great. How those cuts will be applied is going to be very much left to the individual cost centre managers, in consultation with myself and other departmental managers.

Yes, I think there will be some staff cuts, but I do not imagine they will be great in number. Therefore, I am able to say reasonably confidently that it will not affect our core outputs. At the moment, we are looking at a number of areas to be reviewed—for example, the way we conduct a lot of our internal business, our finance functions and our human resource functions, which are currently spread right across the department. We are looking at ways in which some of those things may be centralised, with efficiency gained but without operational effectiveness being lost. They are the kinds of things we will be looking to, primarily, to achieve the savings.

THE CHAIR: Minister, when the decisions are made about which areas will sustain reductions in employment—and this has to be the case—will you report to the Assembly on which areas will be cut?

Mr Stanhope: I would be more than happy to keep the Assembly fully advised of the operations of the department, Mr Chair.

MS DUNDAS: The expenditure for the DPP was up 15 per cent on the target last year, but the expenditure on Legal Aid was down 1 per cent. Can you inform us how many public dollars are being spent, per criminal law defendant, on prosecutions, versus how many public dollars are being spent on defence, per criminal law defendant represented by Legal Aid? Perhaps we can then see how much we are spending in defending offenders, versus prosecuting them.

Mr Stanhope: I will ask Mr Keady to answer that question. However, I would suggest that, on first flush, it is difficult to draw anything meaningful from any such analysis. I am more than happy for Mr Keady to give you the benefit of his understanding of it. It was indicated by the Director of Public Prosecutions yesterday that he was advanced an additional \$700,000 to deal with just three cases. As I understand it—I do not have the numbers in front of me, although Mr Keady might recall them—it would be fair to

suggest that the Director of Public Prosecutions was provided with an additional \$500,000 because of the Eastman case.

I am not sure it is meaningful to try to draw comparisons when we have some cases that cost us more. It is the same for Legal Aid. Some of the matters that we fund through Legal Aid also cost an enormous amount of money. I think we need to be cautious about the conclusions that can be drawn from that sort of comparison.

Mr Keady: Insofar as Legal Aid is concerned, if I recall correctly, their annual report will indicate, or breaks down, that expenditure. I cannot recall if it includes an average grant—I think it may. Insofar as that expenditure is concerned, I would have to take that question on notice.

The Director of Public Prosecutions does not break down expenditure that way. I am not sure it would be advantageous to attempt to do that, because the workload is comprised of a small number of major cases—in relative terms—which would absorb a disproportionate amount of the budget. There are also a large number of relatively minor prosecutions. I do not know that it is very informative to try to take an average through that. I do not think they attempt to do it.

Certainly Legal Aid, because it is obliged to do so—partly as a result of the agreement it has with the Commonwealth to dispense Commonwealth legal aid and the need to maintain a division between the Commonwealth and ACT Legal Aid—breaks these things up, in great detail. If those figures are available, I will certainly get them to you. You might find that, at least for the year before last, some of the material will be contained in the Legal Aid annual report.

MS DUNDAS: How do we know whether we are spending at least as much on defending alleged offenders as we are on prosecuting them? Can we know whether we are maintaining an even justice system?

Mr Keady: I am not sure how one could derive the outcome. Legal Aid is only one part of legal defence expenditure.

MS DUNDAS: It is the part that the government supports.

Mr Keady: Indeed, but the government is wholly responsible for prosecutions. There is no private element in prosecutions apart from the Commonwealth's involvement. The Crown or the territory, at least on the prosecution end of the bar table, is responsible for the lot. When it comes to the defence end, Legal Aid is only part of the scene. We have no idea of what people who fund their defences privately are contributing.

MS DUNDAS: I am talking about government expenditure here.

Mr Keady: The government does not undertake to fund the legal defence of everybody. It undertakes to provide funds only to those who are least able to afford it, subject to a means test. You would not be comparing apples with apples if you attempted to simply relate the Legal Aid budget to the prosecution budget.

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MS DUNDAS: I guess those are the only benchmarks we have for making a determination about how the government is funding cases.

MR HARGREAVES: Yes, but the point Mr Keady has made is the right one. You are trying to compare a bench with a bed.

MS DUNDAS: Yes, I am getting that, Mr Hargreaves!

MR HARGREAVES: I suggest you would be better off looking at them in isolation.

MS DUNDAS: The information is not available?

Mr Keady: No, it is not—I am sorry.

Mr Stanhope: It is probably fair to say that the DPP's annual report gives some indication of how many cases are prosecuted a year and what the annual budget is, but I think it is quite meaningless. We know how many cases are prosecuted annually. I honestly do not think it tells us anything. I do not think it is a benchmark of any sort.

MR HARGREAVES: There is also the aspect, is there not, that legal aid is largely discretionary—it is on application for legal assistance. Prosecution is not on application—it is something we have to do. There is no discretion in it.

Mr Stanhope: It is means tested.

MS DUNDAS: It just means that the information is not available.

I warned you yesterday, Minister, that I was going to ask this question about the money that has been allocated for the implementation of the Dangerous Goods Act, especially in light of the DPP's comments relating to the High Court's Ridgeway decision. Do you think that the \$1.6 million over four years to implement an act that may be out of date—or at least on shaky legal ground—is money well spent, or should we be looking at updating the Dangerous Goods Act in light of the Ridgeway decision?

Mr Stanhope: This act is administered by my colleague Simon Corbell. It is not something for which I have administrative responsibility. Following on from your indication yesterday that you were interested in the matter, my officers had a quick discussion with Mr Corbell's office. They are actively looking at the currency of the legislation. Mr Keady has done a little work on it. It might be appropriate for me to ask Mr Keady about that. It is a question that I would need to take on notice on Mr Corbell's behalf, which I am more than happy to do, to get a detailed response to you.

MR HARGREAVES: Minister, I think it is noteworthy that the government has not yet responded to the Legal Affairs Committee's investigation into the Dangerous Goods Act. There were a number of recommendations made to the Assembly, one of which was an overhaul of the Dangerous Goods Act. At this stage, the Assembly has not received the government's response to that report. I would be cautioning against pre-empting that government response in the context of an Estimates Committee before the Assembly.

Mr Stanhope: Thank you, Mr Hargreaves. I agree with that.

MS DUNDAS: We are spending \$1.6 million on it over the next four years.

MR HARGREAVES: Nonetheless, we can have a little patience and wait for the government's response.

MS DUNDAS: The budget is to be debated in three weeks.

MR HARGREAVES: If Mr Davey wants to know how we are going with that, he can ring us up and ask.

MS DUNDAS: I am interested in the \$1.6 million, Mr Hargreaves.

Mr Stanhope: I will ask Mr Keady to accept that. I am happy to get a written response to the committee, Ms Dundas, but I will ask Mr Keady to expand on that.

Mr Keady: I picked up your question yesterday in relation to this, Ms Dundas. I would add two things. I thought part of your question related to the use of the money—I think it was \$400,000 a year—which had been appropriated to WorkCover. I am not able to answer that question—obviously it is a matter for WorkCover.

I note from *Hansard*, which I checked last night, that Ms Plovits was asked about that money and gave some details of the purpose for which it was intended. As far as I am aware, it is intended to be expended wholly within her agency. Those funds are not going to be applied directly to the benefit of the DPP, for example. So I am not able to take that any further. Questions about the break-up of those funds and what they might be used for by WorkCover will have to be directed to Mr Corbell.

As far as the issue of the problems the legislation presents is concerned, I make the point that, whatever recommendations are made or acted upon, the Dangerous Goods Act is an important piece of legislation which will need continual enforcement.

If problems arise in the course of enforcement—that is not unusual with any act that is frequently used—then I guess it is ultimately a matter for government to consider whether changes ought to be made, to make it more efficient to use. One would expect that, at some point, a review would be undertaken of those things which are problematic in the courts and elsewhere. Amendments might be proposed but, ultimately, enforcement work would go on, irrespective of whether problems arise from time to time.

Yesterday, Mr Refshauge mentioned some difficulties which occurred in at least one decision, in which the leading case of Ridgeway was raised. That is an issue which will not necessarily be peculiar to the Dangerous Goods Act. Depending on the nature of the decision, it could well be a problem of broader application into other areas of enforcement.

I have spoken to Mr Refshauge, and I expect he will raise that with the department. We will look at that issue and analyse the problem, to see whether legislative amendment is required. If it is, it may well be required so as to apply to a much wider range of

prosecutions. At this stage, I have only just become aware of the perceived problem, so we will be examining it.

MS DUNDAS: That leads on to my next question, which relates to the regulation of the sale of tobacco to minors. The Ridgeway decision basically talks about entrapment, and using an illegal act to prosecute. I was wondering how the department is equipped to ensure that—am I asking the right department here?

Mr Keady: Not really.

MS DUNDAS: It is a legal question but it relates to health—and it relates to prosecution.

Mr Stanhope: It is an interesting issue, Ms Dundas.

MS DUNDAS: It is all in your portfolios, Minister.

Mr Stanhope: I am happy for you to ask the question. I think it is an interesting issue. I am sorry for interrupting.

MS DUNDAS: I am interested in what the government, in a broader sense, is able to do to ensure that minors are unable to buy cigarettes.

Mr Stanhope: It is an interesting issue, and it is something we have grappled with. I believe it was discussed in the Assembly, in the last term, in the context of some amendments that were made—I am not sure to which piece of legislation—in relation to the issue of enforcement of the prohibition of the sale of tobacco products to children.

In the context of that debate, advice was received to the extent that, in the past five or 10 years, there have been a number of attempts to prosecute retailers for selling tobacco products to minors. I am not sure that there has been a successful prosecution of a retailer for that.

MS DUNDAS: From memory, it is either one or zero.

Mr Stanhope: I am trying to remember whether it was none, or one. In the context of that, we increased the penalties. There was a debate about the efficacy of increasing penalties for the sale of tobacco products to children in an environment where, in the space of 10 years, the offence had simply not been prosecuted—or if it had, as you say, there may have been one prosecution, if any. I think this highlights the inadequacy of using the criminal law to discourage those sorts of behaviours. However, I am sure the ban on the sale of tobacco products to children is respected by the vast majority of shopkeepers and retailers.

My experience as a parent is that, if kids want cigarettes, they are always going to get them. Although I have never investigated the methods used by children, I know they exist—and I know that it is probably effectively impossible to stop children acquiring tobacco.

I believe it is appropriate that we at least have the prohibition in place. The fact that it is not enforced but used in the way it is—as a ban, as a prohibition—does send a good message, and has a useful effect. It highlights the need for us to adopt other strategies. Our strategies are all around education. I think that, to a great extent, the education programs that have been in place have been significantly successful. If one looks at the reduction in consumption of tobacco, it is a real success story, although the numbers are still grim.

We all know that alcohol and tobacco—tobacco, even more than alcohol—are the most damaging substances that we consume or play with in respect of cost to the community and cost to our individual health. There are still a significant number of people in the community who consume tobacco.

There is also a real concern that there is an increase in the number of young women taking up smoking. So perhaps the area we need to focus more on is girls taking up smoking. As I understand it, they are taking it up at a faster rate than boys, at this stage. We need to do more work.

As I indicated yesterday, I am concerned that the ACT is losing, or has lost, its reputation as the jurisdiction in Australia that was toughest on tobacco. That is a real signal to me, as Minister for Health, for us, as a jurisdiction, to refocus on our anti-smoking messages and campaigns. What I am essentially saying is that I do not think the criminal law prohibition on tobacco sales is something we should be seeking to actively implement. Prohibition has a role to play, but I think we must continue to concentrate on our no-smoking education campaigns.

MS DUNDAS: Has there been any discussion about the phasing out of cigarette vending machines?

Mr Stanhope: That issue is very much on the agenda of all those who advocate tougher and tougher programs, sanctions and prohibitions. The prohibition of cigarette vending machines is certainly an issue the Heart Foundation raises with me every time they meet me in relation to issues around tobacco. There are a raft of issues to be pursued in the next round of tobacco regulation, and that is one of them.

MS DUNDAS: When will that take place?

Mr Stanhope: As I say, I am concerned that perhaps we are losing pace with some of the initiatives being pursued elsewhere. This is an issue where the ACT has always led the nation—and one on which I am determined to refocus. It is something I will ask the department to begin to progress.

THE CHAIR: I would like to clarify the answer you gave to an earlier question about savings within the department. You said the savings can be spread evenly across all the cost centres. Does that include autonomous or semi-autonomous agencies like the Community Advocate, the Discrimination Commissioner, the Public Trustee, et cetera?

Mr Keady: Yes.

THE CHAIR: Is the family violence intervention program still in this agency—or is it in Corrections?

Mr Keady: Yes, it is. We have policy responsibility. The program extends across a number of agencies, including Police, Corrections, Prosecutions and some non-government agencies as well. Yes, we have policy responsibility.

THE CHAIR: There was funding for that in last year's budget. Is there funding for it in this year's budget?

Mr Keady: The funding that was in last year's budget continues.

THE CHAIR: It has not been varied?

Mr Keady: No.

THE CHAIR: Where are we up to with evaluation of the program, at the moment?

Ms Kelly: We are presently in phase 3. That is the extension of the Woden Patrol model to the ACT region generally. There is an answer here which might be able to provide some more detail in relation to evaluation.

THE CHAIR: Do you have a question?

MS GALLAGHER: No, we are just trying to remember what your question was.

THE CHAIR: These are questions about the family violence intervention program.

Ms Kelly: I understand that an evaluation was conducted for phases 1 and 2 on the basis of Commonwealth funding. Commonwealth funding has now ended, and there has been no evaluation component factored into the ACT-funded section, being phase 3.

THE CHAIR: What did the evaluation of phases 1 and 2 say?

Ms Kelly: I will get my officer to answer that question.

Ms Casimir: My name is Amanda Casimir. Our expert, Michelle Briggs, is still at the office. I will answer what I can, with people's permission. Would it be possible to take some of the questions on notice if I do not have the answers?

THE CHAIR: Certainly. We will be gentle with you—do not worry. I just want to know generally how the program appears to have gone. Has it been a success?

Ms Casimir: Phase 1 revealed a number of areas for improvement. I understand that phase 2 took up those suggestions—and the evaluation conducted by Urbis Keys Young was considerably more favourable. The ACT's model is now seen as worthy of replication in other jurisdictions. From other jurisdictions, there has certainly been a lot of interest expressed in adopting a similar model.

We are still in the middle of phase 3. I understand it is going well, and that the training being done of police officers has been very well received, especially by the young ones, who are very keen. It involves much greater use of advanced technology in evidence collection, and I think they have found that exciting and relevant. They are able to use cameras to record immediate results of trauma to victims. They will be able to tender those photos in court far more effectively than has previously been the case.

The conviction rate is very good. This is linked to a perpetrator program. So not only are the victims getting the help they need but, as I understand it, the perpetrators are being required by the courts to address the causes of their offending. The indications are that the program is positive. Where it goes to from here, and whether in the future the impetus will be able to be maintained, remains to be seen. However, from my understanding of where we are at and from the various things I hear from other states, it is looking pretty good. Hopefully we can maintain it.

THE CHAIR: Has the end of Commonwealth funding meant a reduction in the scope of the program?

Ms Casimir: As I understand it, the ACT took over the funding and provided for it to be expanded to all the patrols.

Mr Keady: Initially, the Commonwealth funding was used to fund a trial—so the evaluation was of the trial. Because of the positive results of that evaluation, the program has been mainstreamed. The money that went into the budget last year, and continues, is to fund that mainstreaming.

THE CHAIR: Has it been picked up by other states? Are we aware of that?

Ms Casimir: They are definitely looking at it with interest. There is a certain amount of infrastructure cost to establish it—basically to get all the fancy equipment the police use to collect evidence. We have backed ours up with some specific legislation in relation to bail conditions for domestic violence offenders, which is an essential component of the scheme.

I do not know if the other states have yet decided what they want to do about that aspect of it. There is the no-bail and no-drop policy, without which the scheme does not work. I think there may be ideological issues around that, which other jurisdictions need to convince people about before they adopt the scheme.

MRS DUNNE: The no-bail and no-drop policy?

Ms Casimir: In a lot of domestic violence cases, for a variety of reasons, victims can be reluctant to give evidence against the perpetrator. That can be emotional attachment, fear or whatever. This policy takes the decision out of their hands, so they cannot be pressured into dropping the case.

MRS DUNNE: You said the program has been mainstreamed, and that it has also been extended to non-government organisations. What are they?

Ms Casimir: Non-government agencies are an essential component of the scheme. My understanding is that they include places like the Domestic Violence Crisis Service, which are able to provide support to both perpetrators and victims through the various processes involved. The idea is to take a holistic approach to the issue of domestic violence where, at the same time that you are taking a fairly large stick from the prosecution side, you are providing a lot of support for both victims and offenders to look at the underlying issues in the relationship.

MRS DUNNE: I notice there was an underspend last year of \$384,000 in victim support, as manifest on page 267 of BP 4. What were the underlying causes for the underspend?

Ms Casimir: I believe that the way the contract is structured did not match up with the budget allocation. I am not an economist, but my understanding is that, when we had signed the contracts, we put a little money up front, and then the vast amount of money into years two and three—so that, as the caseload grew, it could take up more of the money. Unfortunately, the budget allocation divided the money equally between the three years. From what I understand, the unspent money from year one has to be rolled over to make up for the increased spending in year two.

MRS DUNNE: I see—this is just year one?

Ms Casimir: Yes.

Mr Keady: The explanation probably lies in the fact that the contract is on a calendar year basis, and we are reporting here on a financial year basis. The first year's operation was effectively for only six months of the calendar year.

Ms Casimir: It is also weighted.

MRS DUNNE: To refresh my memory, the contract is jointly with VSS and VOCAL?

Ms Casimir: The contract is with ACT Community Care. They have subcontracted part of the service to VOCAL.

MRS DUNNE: Do you have a feel for how the whole process is working? As Mr Keady was saying, it is only about six months into the process. Do you feel it is being effective?

Ms Casimir: The ACT Community Care side is certainly going very well. I understand that ACT Community Care and VOCAL are working through some of their issues. I do not want to pre-empt any of the discussions they are having—mainly because I am not party to them.

MRS DUNNE: That is okay. The money comes out of JACS, but it is effectively administered by community care through VSS?

Ms Casimir: Yes.

Mr Stanhope: Mrs Dunne, the VSS scheme has been assessed by a Dr Dare, I believe. The findings of that report, which the government is responding to, which I will be tabling perhaps at the end of this month or in early September, are strongly supportive of

the work the VSS has done. It is regarded, through the report, and certainly by the department, as extremely successful.

MRS DUNNE: I look forward to seeing the report.

THE CHAIR: I have a question about the Law Reform Commission. There were some criticisms levelled not very long ago at the former government's support for the work of the commission of which you, Minister, would be well aware.

Mr Stanhope: They were justifiable criticisms—were they, Mr Chair?

THE CHAIR: Perhaps they were. I have some criticism of my own, though. You promised to spend \$50,000 this financial year on support for the commission, but I cannot find that in the budget. Can you show me where it is?

Mr Stanhope: I am sorry. Could you repeat the question, please?

THE CHAIR: You promised to provide support to the Law Reform Commission to the tune of about \$50,000 in this year's budget. That was in the projections in your statement before the last election. You promised money for the bill of rights committee and the Law Reform Commission. I believe the figure you mentioned was \$50,000. I cannot find that support in the budget. Where would I find it?

Mr Stanhope: The Law Reform Commission's current allocation, which I believe is \$50,000, has been continued.

THE CHAIR: Yes, but where is the extra that you promised?

Mr Stanhope: I am not sure it is there—indeed, I do not believe it is there. We did provide \$89,000, as you know, for the bill of rights committee. At one stage, I considered asking the Law Reform Commission to do the inquiry into the bill of rights.

Significant support has been provided to pursue the bill of rights inquiry. I continue to be concerned about the Law Reform Commission. I have a major concern that it does not have a place in the sun. I think over the past five years, the Law Reform Commission has produced 2½ reports. It is not adequately resourced.

THE CHAIR: Why have you not better resourced it, as you promised in this budget?

Mr Stanhope: I did not proceed with the specific funding allocation because I have major concerns about the commission. I am wondering whether the commission is serving a useful purpose under its current structure and on the basis of its current operations. Perhaps it is just a resourcing issue, or perhaps it is just that it does not have an independent secretariat. Perhaps we could make available a couple of legal officers, to provide a permanent secretariat, so that the Law Reform Commission would be producing significant work for the community.

I am not aware of the last time the commission met. I wonder whether, as it is currently constructed, we should persist with it. It may be—and I have discussed this with the department—that, rather than providing a \$50,000 allocation, as we discussed prior to

the election, the department might be asked to find a permanent legal officer to provide permanent secretariat support to the commission. I think we have reached a stage with the commission where either we seek, through the department, a permanent secretariat and a legal officer to work full time with the commission or look for some other model.

I do not have the statistics in front of me, but I can get the information. I did have it. I have looked at it in the context of my considerations about the commission, as to what to do with it, and how best to support it—how best to provide an external law reform function.

I am very supportive of law reform commissions, and I am very supportive of law reform—it is a major interest of mine. We have a Law Reform Commission which I believe—I do not think I will be contradicted on this—is producing a report about every two years—to the point where we are simply not making references to it. You did not. You made the reference in relation to surrogacy—and nothing happened. I am now looking at how to refine the work. I do not think the commission has yet started work on that. Mr Chair, I think you referred that matter to them 18 months or two years ago. The reference was made at the time of the debate in relation to surrogacy and adoption.

That is some background to the issue, and perhaps it explains why the decision was not taken to provide the commission with additional resources directly, to fund its operations—because I do wonder about the commission's future.

THE CHAIR: I am a bit confused. You seem to be suggesting that the problem the commission has is that it does not seem to have the resources to do its job—and yet you have denied it those resources in this budget, contrary to your promise before the election. Are you not setting them up to knock them off?

Mr Stanhope: No. The funding allocation which you, Mr Chair, provided for the commission persists. They are now receiving the same level of support, the same level of funding, as they received under you. You cannot say I am setting them up to knock them off, because they are getting exactly the same resources as you provided. Nothing has changed.

THE CHAIR: Then why would you consider not supporting them?

Mr Stanhope: Well, \$50,000 is not going to make any difference. In essence, I believe the \$50,000 is applied to sitting fees. There is no support for the commission—and \$50,000 is not going to provide a secretariat or a legal officer. It seems to me that we should either bite the bullet and resource the commission properly, or look for some other model. As it persists, we provide \$50,000, most of which goes to sitting fees for members of the commission—and yet it has to support all of its own work.

I believe that the work the commission is doing is essentially being done in the private time of individual members of the commission. If reports are written, they are, in effect, written by individual members. It is one of those classic chicken and egg cases. Because we do not give them enough support, in essence, nothing happens. We give them \$50,000, and we see very little for it. I could give them another \$50,000, but it would not resolve the problem. It is either bite the bullet, or decide that this is a real priority—find

a couple of hundred thousand dollars and have a high-performing, active commission, or find another model.

We are pleased that we have a notional law reform capacity independent of government, and I support that. There are some notable law reform commissions around Australia, doing the most incredibly interesting and valuable work. I do not think we have been fair to our commission and, because of that, we are not getting a result.

With great respect to every member of the commission, I do not think the government is being fair to the commission. Although I have not taken a decision, I am thinking about it and working my way through it. I have discussed it with the department. The department suggested that perhaps we need to find a full-time officer for the commission. Through that avenue, we might be able to revitalise it.

THE CHAIR: Have you discussed these problems with the chair of the commission?

Mr Stanhope: I have had a meeting with the chair of the commission. I guess this was when I stopped and paused. The commission is very supportive of the appointment of a couple of additional members to the commission, to provide some additional impetus and perhaps some additional capacity. The difficulty I have with that suggestion is that it is simply compounding some of the problems which already exist. A number of commissioners were asking to work as commissioners in their private time, using their private resources, without a level of support which would allow them to produce, in a timely way, work that can be utilised.

THE CHAIR: The \$50,000 previously allocated to the commission came at the request of the commission. It said it wanted it either for sitting fees, to allow its own members to work on those projects, or to buy those resources in, by getting other people to give advice. Is that not a good model?

Mr Stanhope: At the moment, I do not think anybody would—the chairman concedes this—concede that the commission as currently constructed is particularly productive. The reference on bail ended up with a good report, but it took years. The reference on sexual assault took five years. Governments and communities are not interested in waiting five years for a report on a subject, or a return on terms of reference.

You referred surrogacy two years ago. We have just had to amend the act to extend the sunset clause by two years. We expected to have the report in two years, which would have given us time, as a parliament, to think about the regulation of surrogacy and other issues around IVF. The work has not started. It is not a question that we are waiting for the commission to finalise its report. You referred a matter to them two years ago on surrogacy, and they have not yet lifted a pen.

THE CHAIR: You blame me for that, by the way, not them. You are now spreading the blame to the Law Reform Commission.

Mr Stanhope: Perhaps I did. Maybe we play games from time to time, Mr Chair—surprise, surprise! Nevertheless, this highlights the difficulty we have with the Law Reform Commission and what we need to do to give it some vitality and relevance.

THE CHAIR: I agree we play games but, unfortunately, members of the commission are going to open the newspaper tomorrow morning. They are going to read about their future being in doubt, and I do not think it has been discussed with them. There is a little of concern about the process here. I hope you will write to them soon and explain what your concerns are, so that at least they are in the loop, and they know they have some work—and if they have work to do, that they should get on and do it.

Mr Stanhope : They have. They have references.

MRS DUNNE: What are the references—apart from the one on surrogacy?

Mr Stanhope : What other work is the commission working on? That is a very good point, Mrs Dunne. They would have been references that your government made to them.

THE CHAIR: Sexual assault is still with them, isn't it?

Mr Stanhope : Yes. They are references you made. This is my point. The references that your government made are now in the mists of time and not even you can remember what you referred to the commission.

MRS DUNNE: I am asking you, as the minister responsible, what references are before them, and when do they meet?

Mr Stanhope : Perhaps Ms Kelly can be of assistance.

Ms Kelly: There is the reference in relation to assisted reproductive technology; there is an outstanding reference in relation to good samaritan laws, and I believe there is an outstanding reference in relation to boarding houses and caravan park arrangements. They are the three of which I am aware. It is possible that there are more, but they are the three I can recall offhand.

THE CHAIR: Isn't there also one on the law of succession?

Ms Kelly: That is an ongoing reference that is being handled by one member of the commission—Charles Rowland. It is being done as part of a national process, so the commission as a whole is not working on it, just one member. Charles Rowland is part of a national working party through the Queensland Litigation Reform Commissioner.

MR HARGREAVES: Could I find out when the references were made for those ones that you have just told us about, please?

Ms Kelly: Some of them were made some time ago, but we can certainly give you the exact details.

MR HARGREAVES: If you could find that out for us, we would appreciate that.

MRS DUNNE: When does the commission meet? The Chief Minister said before that he did not know that the commission was meeting. Does it meet?

Ms Kelly: That is a matter for the commissioner to determine.

MRS DUNNE: Did they not meet on 24 July?

Ms Kelly: That is a matter for the commissioner to determine—the commission is an independent body. The department does not monitor or control when it meets.

MRS DUNNE: What support does the department give to them?

Ms Kelly: The budget allocation.

MRS DUNNE: The budget allocation is set aside as fees for service for the members, for the work they do?

Ms Kelly: That is correct.

MRS DUNNE: There is, at this stage, no secretariat support at all?

Ms Kelly: Not at this stage.

Short adjournment

THE CHAIR: We will try to finish the overview in the next few minutes. I think we are all exhausted—except for Ms Dundas.

MRS DUNNE: The irrepressible Ms Dundas!

MS DUNDAS: I wanted to ask about sexual assault cases. The last annual report of the DPP mentioned that there was a low rate of sexual assault cases. The report, *Women in the ACT, A social and demographic profile*, that was released a couple of years ago—from a 1996 survey—showed that sexual assaults of varying degrees were a lot higher in the ACT than the national average.

Do you have any indication of whether the incidence of sexual harassment has been improving, or worsening, in the ACT since that statistical profile was put out?

Mr Stanhope: I will ask Mr Keady and Ms Kelly to respond to that. I am not aware of any work that has been done specifically in relation to that issue, or of statistics in relation to the level of sexual assault or sexual harassment. You are interested in sexual assault—and sexual harassment as a subset of sexual assault?

MS DUNDAS: Yes.

Mr Stanhope: I understood that, on a per capita basis, the ACT, in relation to offences against the person, performs—if one can use that word in a statistical sense—well in comparison with other states and territories.

MS DUNDAS: I understand that reporting is quite low and the number of incidents is high. We are talking about a statistical profile that is now at least four years old. I am wondering whether there has been an update, and what indications you have about how sexual harassment and sexual assault figures are going in the ACT.

Mr Stanhope: I will ask Mr Keady whether there are updated statistics.

Mr Keady: I think we need to distinguish between sexual assault and sexual harassment. Sexual assault is an offence. Our knowledge of what is occurring would be based on two sources—firstly, the reports to the AFP by victims of offences. The trends there would be evident from the AFP's statistics.

Secondly, sexual assault is an offence which we know is significantly under-reported. Our knowledge of the extent of under-reporting would be based primarily on the results of the annual crime victims survey, which is undertaken nationally by the ABS—and those figures would be available. That would be largely the extent of our knowledge, unless there are other sources of which I am unaware.

I should also point out that the crime victims survey is a national survey. There have been concerns in the past about the limited sample size in the ACT, being a comparatively small jurisdiction, and the extent to which some of those figures reflect real local experience. With that proviso in mind, that would probably be our primary source of comparison with any other jurisdiction, and also as a provider of trend information.

MS DUNDAS: Do you have trend information?

Mr Keady: No. Perhaps I could take that on notice. I will have to go to the sources and get the details for you. I can tell you what the survey has been saying in the past couple of years. We could also extract, from the AFP material, details of the reports to the AFP of sexual assault.

MS DUNDAS: Any form of sexual assault or sexual harassment is a very disturbing crime. Has any work been done within the justice and criminal safety area to specifically address the threat of sexual assault or sexual harassment?

Mr Stanhope: At present, there is significant work being undertaken across government in relation to issues around sexual assault. The government is considering one of the reports of the Law Reform Commission on sexual assault which was tabled last year. In addition to that, the SCAG—or at least the ACT—is pursuing issues in relation to the model criminal code and a report of the Model Criminal Code Officers Committee on Sexual Offences Against the Person which was produced in 1999. Work is being done on that.

We, as a jurisdiction, continue to actively pursue implementation of the model criminal code in the ACT. One of its reports is on sexual offences, and we are working on that. There is also work being done and coordinated by the Office for Women in relation to sexual assault, and issues in relation to violence against women.

I do not know whether you are aware, Ms Dundas, of the reports that have been produced in response to the Law Reform Commission report on sexual assault, in particular the report by the Victims of Crime Coordinator. Significant work is being done across the board in the ACT in relation to sexual assault and sexual assault laws, as well as the work Ms Kelly referred to previously in relation to family violence, and the extent to which that is associated with sexual assaults. Ms Kelly might round-out the nature of the work that is being done. It is an issue of high priority within the government and is being worked on across a range of departments.

Ms Kelly: I believe there is recognition, not just in the ACT but across Australia and indeed the world, that sexual assault prosecution rates are disturbingly low. It seems that is a feature of sexual assault prosecution everywhere.

There have been two recent reports in relation to these issues. One of the avenues currently being investigated is the family violence intervention program model of an integrated agency approach to sexual assault. That area will probably provide the most interest for us in developing our response to this issue. The family violence intervention program has worked well in relation to encouraging and supporting victims of family violence. It is seen as something that could be applied in the sexual assault context.

MS DUNDAS: Is that a work in progress—to mirror that model? Do you have a timeframe, or is it still very much in the early thinking stages?

Ms Kelly: It is very much in the early thinking stages. We are working on it as part of our response to the Law Reform Committee report on sexual assault. I believe the DPP is doing some independent work on it. I believe there has been a Churchill scholarship awarded, for someone to go and look at models elsewhere with a view to bringing them back to the ACT.

THE CHAIR: Are there any general questions of the department? If not, we will move through the output classes, starting with output class 1—policy advice. I notice that the department still has an output for policy advice. It seems to me that other agencies have abolished these things as separate output classes. I cannot think of any other agency which still has such an output. Why is it that Justice still has one?

Mr Keady: It may be that our thinking varies a little from other departments. They seem to be a part of output of the policy and regulatory division. It reflects a little of the role in government of the department in supporting the Attorney-General, where the nature and volume of advice is a little different from most. We devote a considerable amount of resources to that kind of output. For the time being, I feel it is relevant to continue to make the point that it is both significant and consumes a reasonable amount of our resources. Whilst we are perhaps reduced to reporting these things on a quantitative basis, which may not be that informative, I guess it is the only way I could come up with to explain the nature of the activity.

THE CHAIR: You are transferring ministerial servicing into this output class now, are you not?

Mr Keady: We went through a departmental restructure which transferred that function into Ms Kelly's division—that is true. It reflects, in part, that outcome.

THE CHAIR: Was there a real increase, then, between the cost of policy advice in the last budget and the outcome, or is that an illusion because of some transfers? The budget said you were going to spend \$4.1 million on policy advice and, in fact, you spent \$4.8 million.

MRS DUNNE: Under “ministerial advising” there is \$309,000. Does that \$309,000 get lumped in with—

THE CHAIR: That was my next question. First of all, has there been a real increase in spending between the beginning and end of the past financial year? Is there some reason for that increase that otherwise explains it?

Mr Lenihan: I am Brian Lenihan, Director of Resource Management. As part of the administrative arrangements audits back in November, there were a number of transfers into the policy area. There was the transfer of cooperative legislation from the Chief Minister’s Department, and the essential services review area from DUS came into the policy area as well, but there is no real increase in funding for the policy area.

THE CHAIR: In spending \$4.7 million, this year, presumably you are incorporating about \$300,000 for ministerial servicing.

Mr Lenihan: Yes.

THE CHAIR: You are incorporating other things that were not previously in the agency, like cooperatives, plus you are sustaining a cut of some sort as a result of that \$850,000 across-the-board saving. Of course, we have no capacity to compare apples with apples in this exercise. Was the former ministerial servicing output designed to provide servicing for the whole of the executive, not just the Attorney-General?

Mr Keady: That is right. The department’s output, basically, was funded through that thing. At one stage with the previous government, the department had three ministers and now there are two—so it reflects the activities going to all those ministers.

THE CHAIR: We are trying to monitor the promise of the government to be able to make a saving of \$2.3 million in ministerial advising. That is harder to do, now that the money has been rolled into the same output. I assume you cannot provide that information today anyway. We will have to ask other questions about that later on, to get to the bottom of it.

MRS DUNNE: Mr Lenihan, it is difficult to compare apples with apples in output 1.1, but you seem to be taking a cut of \$120,000 from the estimated outcome for 2001-02 to the targets for 2002-03. Is that part of the \$850,000 that we were talking about previously with Mr Keady?

Mr Lenihan: There were other alterations to the budget as well. The superannuation contribution across the department was reduced as a result of a revision of our costs during the 2001-02 year. There was a reduction in most of our cost centres as a result of that. There was, indeed, a transfer for the productivity savings—a reduction as a result of the—

MRS DUNNE: How much is the productivity saving?

Mr Lenihan: In relation to policy advice?

MRS DUNNE: Yes.

Mr Lenihan: In total, it is \$35,000—I have it here.

MRS DUNNE: How do you think you will be able to come up with \$35,000 worth of savings?

Mr Keady: It will come out of a budget of over \$4 million. That is something which Ms Kelly, as the cost centre manager, will manage through the year.

Ms Kelly: It has come out of non-employee expenses. In setting our budget for the coming year, we simply worked from a different base. We have done a zero base budget exercise, working from a different base budget, and cut our cloth accordingly. I cannot identify anything that has been cut, because we have constructed our budget for this year on the basis of the amount available.

MRS DUNNE: Without making cuts to employee expenses?

Ms Kelly: That is correct.

THE CHAIR: If there are no further questions on 1.1, we will move to output 2.2—crime prevention programs. I see that less than half the money allocated in last year's budget for community crime prevention programs has been spent. What is the reason for that?

Mr Keady: They were underspends primarily by the AFP, Mr Chair.

THE CHAIR: This is part of your program, so tell us why.

Mr Keady: You have particularly mentioned AFP questions. Technically, this matter falls within the administration of the Minister for Police.

THE CHAIR: We have to work on the basis of the budget papers, which show this as being a program administered by your department.

Mr Keady: Indeed. We support a number of activities, as you understand—a number of ministers. We will do our best to answer the question. May we call to the microphone the appropriate officer?

Ms Kelly: Before that happens, Mrs Dunne, if I may, I would like to clarify my last answer in relation to employee expenses. There was a transfer from employee expenses, prior to the new budget. When I took up my position, I did a staffing analysis for the division. I determined that we had a budget provision in excess of our needs, so an amount was returned at the end of this financial year, to be allocated elsewhere in the department. To that extent, a staffing budget that was not being used was returned. In

relation to absorbing the cuts for the coming year, they have come out of non-employee expenses.

MRS DUNNE: Thank you for that.

Mr Jory: My name is Derek Jory. I am from policy and regulatory division in the department. Early in the past year, the crime prevention budget was identified simply through the process of invoices not being returned to the department, so there appeared to be a likelihood of a gross underspend with the crime prevention programs the police were administering. They were asked to report on that at the beginning of this year. They identified, at that stage, an expected underspend in the vicinity of \$600,000.

MRS DUNNE: Mr Jory, when you said this year, do you mean this financial year or this calendar year?

Mr Jory: Last year—2001-02. Basically, their rationale for this underspend was a lack of resources in the crime prevention section. They have argued that this was on the basis of a late signing of the policing agreement. The policing agreement for the past year took place in September, as a result of the protracted negotiations with the Commonwealth with regard to enabling costs and so on.

Their argument has been that this has led to an inability to recruit police, because they were unsure as to the amount they would be getting—and that late start meant they were unable to recruit at the rate at which they wished to recruit. We understand they have had recruiting problems. They have reported a lack of resources in the vicinity of 25 per cent in the crime prevention portfolio. So there was the underspend in the past financial year of around \$600,000.

MS DUNDAS: They were unable to spend the money because they did not have the resources to administer it?

Mr Jory: Yes—that is what they are telling us.

MR HARGREAVES: Is not the predominant reason that, as with many programs, you receive funding as at 1 July but things do not kick off until well into the year; there is a lag and you have some potential for things to be underspent? I would have thought that happens in almost every program.

Mr Keady: Yes, that can certainly occur. In this case, as Mr Jory has indicated, it was a bit unusual, in that we had what one might call very intense negotiations with the AFP over the AFP budget, which delayed resolving the financial year ahead. It certainly put on hold AFP recruitment intentions. Even when that was resolved, as Mr Jory has indicated, apparently they had difficulty filling these positions. That meant they did not have the personnel to support the program for which these funds were to provide.

MS DUNDAS: Has the money been rolled over—the \$600,000?

Mr Keady: No. The underspend was returned to Treasury. The funds, however, are intact for the current year.

MS DUNDAS: The crime prevention money that was not spent has just been returned to general revenue, and not focused on crime prevention?

Mr Keady: That is correct.

THE CHAIR: Whose decision was that?

Mr Keady: I guess one would call it a government decision. I think these things are decided primarily in Treasury.

MR HARGREAVES: I do not have the documents here but, with the crime prevention programs, if my memory serves me correctly, I have a feeling that they had a certain amount of funds for year one and then in a number of out years they had provision for them. There would be no benefit in rolling those funds over because of the provision that was already there and the ongoing nature of the program?

Mr Jory: That is correct, yes.

THE CHAIR: So this was money for new programs—was it?

Mr Stanhope: Mr Chair, I might make a point. For this project, Mr Quinlan is the responsible minister. I think it needs to be borne in mind, in relation to questions being asked of officers today, that their minister is not here. This is not an area for which I am responsible. This should have been dealt with when Mr Quinlan was before the committee, and when the AFP were here. I am happy to take the questions on notice.

THE CHAIR: The output in front of us is crime prevention programs. We assumed we could ask questions about the implementation of crime prevention programs under this output, but apparently that is not the case.

Mr Stanhope: The relevant minister is Mr Quinlan.

THE CHAIR: According to the budget papers, the relevant minister is you.

MRS DUNNE: This is JACS money—it is not AFP money.

THE CHAIR: That is the point I am making. You are responsible, according to these papers, for output 2.2—crime prevention programs.

MRS DUNDAS: Are there any crime prevention programs that are run—not by the AFP?

Mr Keady: Yes, the department is funding a number. Mr Jory will give you some details of the current programs.

Mr Jory: There is a research item in this budget category. At the moment, we are looking principally at researching into the offenders arrested during Operation Anchorage last year. The result of that program—it has been well-reported—is a dramatic drop in property crime. We are trying to find out what the variables driving that drop in crime might be. In essence, that research is looking at what happened to the

offenders who were arrested—just the fact that they have perhaps been incarcerated and are off the streets—those sorts of issues. It will be difficult to evaluate and measure whether the heroin drought has had any effect on those figures.

There are two other programs we are managing under this budget portfolio. Firstly, there is the bushfire arson reduction program, which has a research factor. There will be an education part to that. It will be directed mainly at pre-high school ages and will integrate fire safety and bushfire safety aspects. We will introduce an arson component into it as well, but we must be careful how we do that.

The other component in that program is that we will be looking at a media campaign, which will probably start just prior to the fire season. Again we must be careful about how we put an arson message in that, so we are not literally inflaming people out there who might think, “What a good idea! I had not thought of that.”

MR HARGREAVES: That is a brilliant choice of words.

Mr Jory: That is a joke that has been put around for a while—it is not mine.

MR HARGREAVES: It is very much appreciated on an otherwise dull day!

Mr Jory: The other program is what has commonly been referred to as a “handbrake” program for high-risk motor vehicle offenders. That is a franchised program. We are not following it to the letter, so we cannot use the name. In effect, it involves young, high-risk motor vehicle theft offenders working with—we hope at this stage—a CIT instructor over a period of about 10 weeks, to restore a damaged motor vehicle—or a motor vehicle that needs repairs.

These young people are also channelled into other educational pursuits—perhaps numeracy and literacy. Those types of needs will be met through ancillary aspects of the program. There will also be a recreational component of the program, to divert them during high-risk times. Our data would suggest high-risk times are Thursday, Friday and Saturday nights.

MS DUNDAS: You have detailed three new programs that are commencing in this financial year. The budget papers refer to four programs. Is the other one a new AFP program?

Mr Jory: Those are the only programs at this point in time.

Mr Stanhope: We can take that on notice, Ms Dundas, and get an explanation of it.

MS DUNDAS: In the quantity, the targets have changed from 16 to 14. It was explained that this was a result of four programs having been completed. Can you tell me what those four programs were? Two were not progressed. I would like to know what those two were. Here it refers to three of the four new programs. Are you able to tell me what that other new program is?

Mr Jory: I can answer that now, if you like.

MS DUNDAS: Yes, that would be great.

Mr Jory: Programs which have been completed are, firstly, CDROM My Stuff, which was a program the police did. Basically, it is an inventory or CD template that people could use to identify their property at their homes and transfer it on to the drive. It would then be recorded on a register. It is a means of identifying stolen goods—as a preventative measure.

The immobiliser program is the engine immobiliser program for anti-motor vehicle theft. That was enhanced through the national program of advertising, for the installation of immobilisers. It has simply run to the end of its period of promotion.

The CLASP subsidy to pensioners has now run its course. This was a program where a \$100 subsidy was given to older pensioners accessing the CLASP in-home safety and home assessment scheme. The program itself is now winding down, but the evaluation of what people did with it and what effect it has had is still ongoing.

There are the mobile CCTV units that the police would be using for the prevention of motor vehicle thefts in car parks—and things like that. That program was essentially about funding the purchase of those goods, and has now been completed.

Programs that have been discontinued are, firstly, the crime prevention web page. That is another police initiative on their crime prevention site, or on their web page.

MS DUNDAS: Has that web page been taken down?

Mr Jory: No—it is still there. It has been developed and does not require any further funding.

There was a very small program referred to as a trial grassroots community crime prevention program. The copyright for that program is vested in the Commonwealth. They were not happy with the kit that had been developed, so they have not released the program for national use. So we were not able to pursue that.

Two other programs listed under this budget have been absorbed into the police general budget. One is Neighbourhood Watch training—training of Neighbourhood Watch facilitators. Also they had a very small budget—of about \$2,000—for seminars for people within what they call the multicultural interface with policing. It is not that those programs have been discontinued, it is simply that the costs have been absorbed in the general policing budget.

Under the initial budget, there was provision for the purchase of policing equipment, which was basically night vision equipment. Those items have now been purchased.

MS DUNDAS: How much of the target expenditure for 2002-03—the \$1.075 million—is going to the AFP and how much is being spent by JACS?

Mr Jory: We can give you those figures, but the majority is going to the police.

MS DUNDAS: I would like the figures, please.

Mr Jory: Yes.

THE CHAIR: Are there any further questions on 1.1?

MRS DUNNE: No. I will have to put them on notice.

THE CHAIR: I was going to suggest from the chair that the measures in this output class are a little inadequate, given that it is an important area of government activity and there is only one measure, which is a quantity measure. It would be helpful to be able to start to develop some more comprehensive measures as to how much we focus on crime prevention programs and how successful they might be.

Anyway, let us move on. Under protection of rights, I think the only area we were going to deal with was the Public Trustee. We will move to that now. I am not sure I have the source of these figures to hand straightaway, but the number of CSO cases being managed by the Public Trustee has increased from around 1,200 to about 1,337.

MRS DUNNE: That is under quantity, one—the fifth line down?

THE CHAIR: Yes, that is right. Yet the CSO payment to the Public Trustee falls, according to Budget Paper 3 at page 110, from \$576,000 to \$539,000. Are you just getting more efficient and doing more with less, or is there some other reason for this?

Ms Kargas: My name is Diane Kargas—from the Public Trustee. We are getting more efficient. We are also getting the benefit of a lot of external commercial client work coming in that is paying—and subsidising a lot of the work through the community service work that we do. The profits from our clients who pay fees and commissions go into subsidising community service work, which is growing on a daily basis.

THE CHAIR: Can you measure that increased contribution?

Ms Kargas: I do not have the percentages with me. We estimated that our client outcomes for this year for community service work would be 1,207. In fact, that was 1,296. Our overall client base has grown from 1,300 to nearly 1,400—so it is growing. A lot of that is made up of clients coming to us under enduring powers of attorney because they are unable to manage their own money—they give us a voluntary doneeship—yet they do not have a mental disability. If they did, they would go through the Guardianship and Management of Property Tribunal. That is a growing area. We think that is a positive step in the community—to seek help.

THE CHAIR: Is it fair to say that the profitability of that sort of work on the part of the trustee is increasing?

Ms Kargas: Yes.

MS DUNDAS: Besides the powers of attorney vested in you, is there any central register of power of attorney decisions in the ACT?

Ms Kargas: No, there is not—unless the attorney is going to deal with real property. Then the power of attorney has to be registered with the Registrar General's Office. If you are not dealing with real property, there is no registration.

MS DUNDAS: If there is no central register, how can you be assured that people claiming to have power of attorney are doing it with proper authorisation?

Ms Kargas: We rely heavily on the community to bring concerns either to our office, to the Supreme Court or to the Guardianship and Management of Property Tribunal. We educate quite strongly. We educate community groups, welfare organisations, nursing homes and hospitals about the value of having an enduring power of attorney, and also the downsides of not choosing someone you can trust.

We also give lectures to the CIT in the care workers unit, so they are aware of the responsibilities of trust in relation to powers of attorney. We are trying to get as many people in the community as possible at least understanding that whilst an enduring power of attorney is a very good document, it is also a document that can be misused.

MS DUNDAS: Do you give information or training to people, about asking to see proof of power of attorney, for when adults are acting for other adults?

Ms Kargas: Banks and organisations that attorneys go into usually ask for a certified copy of the power of attorney. When we get involved, it is typically when someone in the community thinks there is a concern. Usually we act on that under an emergency order of the Guardianship and Management Property Tribunal. Often it is too late to recover anything that is missing. Often there isn't anything missing and there has just been a concern—usually from another sibling in the family who thinks someone is getting away with something.

MS DUNDAS: Do you have the number of such cases that have been raised with you?

Ms Kargas: Last year we put financial abuse for elders and also for younger adults with disabilities in our annual report. I work with Health—the Chief Minister's Department section there—looking at elder abuse and evidence of elder abuse. I am also on a committee nationally with guardianship and administrators and we look at it nationally. It is something in the community that we are trying to address.

MS DUNDAS: You mentioned that the banks usually ask for a certified copy of the power of attorney.

Ms Kargas: They will ask—they will not give money away without a copy.

MS DUNDAS: Are there similar requirements in the ACT government departments and territory-owned corporations?

Ms Kargas: I would think anyone dealing with an attorney would ask for proof, but I do not have any statistics on that.

Mr Keady: In effect, it is no different from dealing with an executor of an estate, for example. Someone who is going to be entering into a transaction, or is asked to release funds or do something significant where they are dealing with someone who purports to be acting on behalf of someone else, would normally ask for proof of the legal ability of the representative to act in the way they wish to.

MS DUNDAS: It is standard government policy to ask for proof?

Mr Keady: I cannot say. It depends what it is. People might make inquiries about something significant that is going to occur which might affect the rights, interests or property of an individual. For example, with the Registrar General's office, if there were an attempt to sell and register a sale, or a transfer of property, then there would be an obligation, as part of the standard procedure, on that office to require proof to be provided of the right of the proposed transferor to be acting on behalf of someone else. There is a variety of transactions that people in the community might be involved in which could be very minor or quite significant, both financially and legally. Obviously, the extent of proof required varies with the nature of the transaction.

MS DUNDAS: If it varies with the nature of the transaction, is there a standard document—or is training given to people?

Mr Keady: As I said, I do not know that it is particularly unusual. It would be no different, necessarily, from someone acting as executor of the estate of a deceased person, where the authority to deal in the property of the deceased person comes from a grant of probate from the court. There is evidence of that grant of probate which permits them to act on someone's behalf. A bank, or someone else, which is asked to transfer property or release funds, would require some proof to be shown that the person is entitled to act in that way.

Ms Kargas: There are also a lot of banks and organisations which, if they have a concern, will often ring our office and ask if the client is known to us. If they have a concern we ask them to not do the transaction—to take that concern to the Guardianship and Management Property Tribunal so an urgent order can be made to have something investigated. That could be a legal issue as well as a financial issue.

MS DUNDAS: So you handle cases as they are brought to your attention?

Ms Kargas: Yes.

MS DUNDAS: Not necessarily all instances would be brought to your attention?

Ms Kargas: There is no requirement under the act for power of attorney accounts to be examined annually.

MS GALLAGHER: In fact, a lot of financial abuse would go on without people knowing.

MS DUNDAS: Yes. That is like at ATMs. I have the information I was trying to get.

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Mr Stanhope : Ms Kargas, I would be interested to know whether your colleagues are jealous that you have your own Public Trustee House now? Are you being ostracised?

Ms Kargas : Some colleagues think it should be called something else. It is interesting that we have heard from the building management that people are looking to move into the building now that it has a name. So hopefully we have helped out there.

MS GALLAGHER : In my previous job, I had a bit to do with the Public Trustee. Often the people whose finances you are managing have grievances about how the Public Trustee manages their finances—whether they are right or wrong. What is the process for review of decisions you might make on behalf of people?

Ms Kargas : On how their money might be spent?

MS GALLAGHER : Yes, that is right.

Ms Kargas : When clients come to us through the Guardianship and Management Property Tribunal, they are usually severely in debt, or likely to lose their accommodation and/or their essential services. The order is that we retain all their income, develop a budget and, from that budget, allocate where the funds can best be spent—at all times acting in the best interests of the client, unless the best interests of the client are not going to be in their own best interests.

There are often clients who are very unhappy with our decisions. We work with their families, the carers and mental health. If something cannot be resolved, we go back to the tribunal for another hearing and sit down and work it through there. Out of 1,200—nearly 1,300—clients, less than 10 per cent would be unhappy. We encourage them to work with us. The sooner they can be back on track, the sooner the order might go.

THE CHAIR : Thank you very much, Ms Kargas.

I realise that I have a question for the Government Solicitor.

MS DUNDAS : Can you put it on notice?

THE CHAIR : I might be able to put it on notice. I will ask the question and see if it can be taken on notice, or whether perhaps Mr Keady needs to come back. There is an extra \$260,000-odd provided just for extra capacity. What is the general nature of that need?

Mr Keady : Perhaps you will permit me to talk generally. If you require more detail, I will have to take the question on notice and have the Chief Government Solicitor answer it.

The office has seen a substantial increase in demand for its services. This is especially so in the commercial area where, in the past 12 months or two years, a number of departments have increased their usage of the Government Solicitor's Office in the commercial arena.

In the past, some of that work, which was seen as specialist work, had primarily gone to some of the private firms around town, for a variety of reasons, including the excellence, to be frank, of the service provided in the Government Solicitor's office. Some of that work is coming back. The overall impact on the office is a substantial demand for service in a highly complex area.

The commercial area is one area where there has been substantial growth, and the other is litigation. The GSO is heavily involved across a range of litigation on behalf of the territory. As to the profile of those cases, the numbers have increased and the complexity of resources required to sustain some of that litigious effort has also increased. Those are probably the two primary areas.

A third factor is the need to ensure—given that we have a very good Government Solicitor's Office—that we maintain it in that state. That effectively means ensuring that we are competitive in a market where we have seen substantial competition in Canberra, both from another public sector—that is the Commonwealth, which is a major presence, and employs a lot of lawyers—and the private profession. Concern has developed, especially among some of our very experienced and more senior practitioners, that we maintain a level of competitiveness which allows us to retain the staff we have and need, and that, where necessary, we are able to attract people. That means having the right remuneration packages—so some of those funds will be used to increase remuneration, as well as add staff.

THE CHAIR: I read somewhere that the GSO is going to receive \$212,000 from ACT Housing for conveyancing services.

Mr Keady: That has been a long-term arrangement. Housing is treated as a private client, and they pay on a fee-for-service basis.

MRS DUNNE: Mr Keady, you said earlier that there was increasing demand from other departments in the area of commercial. Isn't that done on a fee-for-service basis?

Mr Keady: No. The vast majority of work undertaken by GSO is done as a core service provider within government. GSO does not charge core government agencies any fee. There is a system in the office that records time et cetera, but there are no financial transactions between the GSO and the departments.

THE CHAIR: It is a notional billing arrangement?

Mr Keady: That is right.

MRS DUNNE: It is only a notional billing?

Mr Keady: Yes. There are some clients—Housing is one—where fees are paid, but that is an exception to the general rule.

THE CHAIR: Why is that arrangement in place? Why is it not free for them, as it is for others?

Mr Keady: I think it has something to do with the arrangements of Commonwealth funding for housing across the nation. The provision of housing is managed in a sort of neutral environment. I cannot go into detail. If you want to explore that question, I would have to get advice. It has been a longstanding arrangement which reflects national agreement about the way in which those sorts of services are funded and expensed.

THE CHAIR: Do you happen to know whether ACT Housing has market-tested the conveyancing services? Have they only come to GSO for that service, or have they tried to go out into the marketplace for it?

Mr Keady: I could not answer that question. As far back as I can remember, Housing have been users of GSO services—and I think GSO have configured themselves in a way which ensures that the service they provide meets the needs of Housing. It is a longstanding relationship. Whether Housing has at any time gone out to look for alternative ways, I do not know.

I might add that perhaps the relationship is a bit more broad. Whilst conveyancing is probably the bulk of the relationship, I am sure that, from time to time, there are issues collateral to both conveyancing and broader issues which involve GSO. I guess client knowledge is something which builds up over time and enables them to service that need fairly efficiently.

MRS DUNNE: Can I confess an omission as well?

THE CHAIR: Yes, you may.

MRS DUNNE: I had a question on drafting which I will ask. Mr Keady may be able to answer this but, if not, I am happy to take it on notice. Under “Pages of legislative manuscript prepared”, it shows an increase of almost 50 per cent. Is that just a function of the new style of legislation, or is it a conscious government decision to legislate us to death in the next year? Perhaps the minister should answer that bit!

Mr Stanhope: I think it just reflects the increasing workload.

Mr Keady: I believe part of it reflects the electronic republication of legislation—so some of it will be republication and other parts will be original drafting. Year on year, Parliamentary Counsel’s office has been steadily increasing its output of new primary and subordinate legislation, although I do not think it is as dramatic as 50 per cent. I think that would reflect some of the republication activity.

MR HARGREAVES: That is what the note on page 300 says.

Mr Keady: Yes—I think that explains it.

MRS DUNNE: It is mainly republication. Good. We must be ever vigilant against over-legislation.

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THE CHAIR: Yes. Are there any further questions? We have dealt with the Public Trustee and the bits that were missed out. We will now move to the Office of Fair Trading, under Regulatory Services, output 3.1. We will start with the Office of Fair Trading and then go to the Office of Rental Bonds.

Looking at the outputs for Office of Fair Trading, under “quantity” there is a fall in the estimated outcome of number of complaints handled and advice taken by the Office of Fair Trading from 26,000 last year to 15½ thousand.

MRS DUNNE: There is also a huge increase in investigations under “quantity”.

THE CHAIR: Prosecutions—yes. Is this signalling some sort of change in the role of the office from an advisory to a prosecutorial function—or is there some other reason for that?

Mr Brown: I am Tony Brown, Director of the Office of Fair Trading. You will see the notes to the performance measures. Those changes reflect, in respect of the first one, some client-driven matters. They are issues we do not control. The number of people who contact the office is out of our hands.

It also reflects better monitoring systems through our telephone advice service, which are providing us with more accurate figures than was previously the case. There would be an extended period of time where there was some double counting of the matters coming through our telephone advice system. So we believe the amended target more correctly reflects the type of activity we have through that service.

The significant increase in the target for investigations, inspections and prosecutions mainly reflects a change in the methodology we are applying to our trade measurement activities. Previously, we would account for them on the basis of inspections of premises, rather than inspections of instruments or packages. We think a program based around inspections of instruments and packages better reflects the type of work that that part of the office does.

MRS DUNNE: So, for instance, when you go and check petrol pumps, that would become half a dozen checks, rather than one check?

Mr Brown: Yes. It reflects the types of issues we look at. If we go and inspect 5,000 packaged goods, the consumer’s interest is in the fact that we have inspected 5,000 packaged goods, not that we have just been to Woolworths or Coles.

MR HARGREAVES: That explains the figure from 7,619,400.

Mr Brown: Yes, it does.

MR HARGREAVES: I thought you were due for a medal there for a minute!

THE CHAIR: That is all I want to ask of the Office of Fair Trading. Do you have questions, Ms Dundas?

MS DUNDAS: My questions are about the Office of Rental Bonds. I think they are for the Registrar-General.

THE CHAIR: As Mr Brown is here now, we will go on to the Agents Board.

MS DUNDAS: I wanted to ask about the training program grant. This is a bit of a history lesson worth of questions! The last annual report of the Agents Board mentioned that \$120,000 had been budgeted for three years, as part of a training grant to the Real Estate Institute of the ACT. That payment had been deferred, pending the results of a performance review. In this budget, the expense for grants and purchases of service had an estimated outcome of zero, whilst the target for last year was \$120,000—and there is projected expenditure of \$50,000 for this financial year.

I know the review which took place found that the Real Estate Institute had breached its agreement in various ways. Has the Agents Board decided to recommend that the contract with the Real Estate Institute be terminated or not renewed? If so, what are you going to spend the \$50,000 on, this financial year? That is a big question!

Mr Brown: The grant provided to the Real Estate Institute of the ACT was on the basis of a three-year program. The grant for the first year was paid, the grant for the second year was paid and the grant for the third year was deferred, pending the outcome of the review to which you referred. As a consequence of that review, the board is yet to take a decision as to whether it will proceed with the third year funding—or seek the minister's approval to proceed with the third year funding.

The board has written to the Real Estate Institute of the ACT seeking the return of some of the moneys identified by the Auditor-General as being overpaid in relation to the first and second year payments. Discussions with the REI in relation to that matter are ongoing.

The amount reflected in this year's budget is just a sum of money which anticipates that the board will recommence a program of funding educational programs by way of grant, having regard for the findings of the Auditor-General's report. There has been no decision taken as to where that funding might go, or what process might be followed to determine to whom it should be provided.

MS DUNDAS: What happened to the \$120,000 that was budgeted for last year?

Mr Brown: It was not paid. That reflected the third year funding of the grant.

MS DUNDAS: Where has that money gone? Has it been rolled back to Treasury?

Mr Brown: No. The grants moneys are controlled by the Agents Board, and remain within the Agents Board's funds.

MS DUNDAS: It is just sitting on your bottom line?

Mr Brown: It is just sitting in the bottom line—sitting in the \$9 million or so that the board controls.

MS DUNDAS: You have earmarked \$50,000 of it for grants and purchased services. Have you had any thought about what you are going to do with the other \$70,000?

Mr Brown: No. The board has taken no decision in relation to that issue, other than that it identified that it would include a figure of \$50,000 in this year's budget for moneys for educational purposes by way of grants.

MS DUNDAS: You are still discussing it. What steps is the Agents Board specifically putting in place, in response to the Auditor-General's report, to ensure that the situation which arose with the Real Estate Institute will not arise again?

Mr Brown: The arrangement that existed with the Real Estate Institute was one whereby they were simply paid an amount of money based on how many courses they provided, or how many people undertook the courses. It did not reflect any performance measures.

Based on the recommendations of the Auditor-General, the board is to review that process. It may purchase a specific program which will not have with it the problems that one did—where they were paying for the costs of running the individual programs. They would simply purchase the program as a service and pay a lump sum. Any profit or revenue the individual provider might achieve as a result of provision of the program is a matter for them. In that way, it would be more through an open tender process.

MS DUNDAS: All future grants will be done through an open tender process?

Mr Brown: That is what the board has been discussing. However, it is yet to settle on what method will be adopted to pursue the grants initiatives.

MS DUNDAS: Can we expect to read all about in your annual report? Will a decision be made by then?

Mr Brown: I am not sure, but I do not expect so. They are yet to resolve the finalisation of the last grants issues. I would expect that, whilst it has been discussed, they have not yet formally turned their minds to this issue.

MS DUNDAS: Does the board have a time frame for when it expects to resolve the issues for the last grants program?

Mr Brown: To the extent that they have included a sum in this year's budget, they have an intention to provide some grants for educational purposes, as permitted under the act, this financial year. They will need to resolve it, I would have thought, in this calendar year.

MRS DUNNE: I have a question vaguely related to liquor licensing. I am not sure whether I should ask you this, or maybe health inspectors. I refer to licensed establishments which allow smoking on the premises, where there are extractor fans. Is that an issue for you or for the health inspectors?

Mr Brown: That is an issue for Health.

MRS DUNNE: I will take it up with them.

THE CHAIR: Regarding the highlight for 2002-03—investigating the feasibility of Internet-based refresher courses for registered and licensed agents—have you run Internet-based courses before? Is it a new idea?

Mr Brown: The Office of Fair Trading has not done it. I am aware that it is an area which has been pursued, with some success, within liquor licensing in Victoria. We would like to see whether there is a possibility of providing that sort of refresher training in the real estate area. A lot of practitioners received their training and accreditation many years ago. There are certainly issues of an ongoing nature, which the board considers to be relevant, on which they might well receive some benefit through an Internet-based program of training.

This is an area in which the Western Australian Office of Fair Trading has also done some work—specifically in relation to real estate agents in practice. We are looking at the model they have used. If it works within this environment, we may well expand it across some of the other industries for which we have responsibility, such as liquor licensing, refresher training for directors of licensed clubs—to ensure they have an adequate understanding of their responsibilities—and responsible service of alcohol practices—those sorts of areas.

THE CHAIR: Do you expect that this would be simply putting information on the Internet—or is it an interactive thing?

Mr Brown: The ones I have seen are interactive in some nature. You enter through the web. The program will be the same, but the questions you might be asked in relation to what you learnt out of the process would be different from the ones I might get if I did the same thing. Those kinds of issues are part of that as well. It is just another way of trying to keep licensees informed of their obligations and remind them of what they need to do to comply with the law.

THE CHAIR: Does the Office of Fair Trading look after the regulatory regime for the security industry?

Mr Brown: Yes.

THE CHAIR: What is the state of play with the codes of practice which have to be developed in that area? Are they all completed now, and being enforced?

Mr Brown: Yes.

THE CHAIR: At one stage, there was a review required. Has that been undertaken?

Mr Brown: There was a public review undertaken last year. I think that is a matter for Mr Stanhope.

Mr Stanhope: I will take that question on notice, Mr Chair.

Mr Keady: The reality is that the way in which the industry is regulated is currently under review. There is more than one model, and government has yet to make a decision about that. I expect a decision to be made relatively soon. It goes to the whole structure of the regime which currently applies.

MRS DUNNE: There was an industry code of practice review due a couple of years ago. Has that been undertaken?

Mr Keady: A review has been undertaken.

MRS DUNNE: It is a “where to from here” situation?

Mr Keady: That is correct. The results of that review have been taken into account in a broader examination of the future structure of the regulation of that industry. The government will shortly be making some decisions about that.

THE CHAIR: Can we see the review? Is it a public document?

Mr Brown: Yes. The review undertaken by SMS Consulting is a public document. Copies can be obtained from the OFT website.

THE CHAIR: Thank you, Mr Brown. I believe you have questions for the Rental Bonds Office, Ms Dundas.

MS DUNDAS: Through the Registrar-General’s office.

THE CHAIR: I call on the Registrar-General’s Office, please—Mr Taylor for questions by Ms Dundas.

MS DUNDAS: Do you have a way of recording—or have you been recording—income and expenditure from the lodgement of rental bonds?

Mr Taylor: Yes. For the operation of the Office of Rental Bonds, we are allocated \$552,000 of which—I cannot give you an exact figure—about \$350,000 goes on salaries and the remainder on expenditure. The operation of the Office of Rental Bonds within that budget is very much dependent upon its existence within the Office of the Registrar-General through efficiencies which can exist through coordinated management of IT issues and the business services unit, et cetera.

MS DUNDAS: There is no way of knowing the income from the lodgment of rental bonds?

Mr Taylor: Do you mean from the deposit of bonds themselves?

MS DUNDAS: Yes.

Mr Keady: Do you mean the interest that is generated on the bonds?

MS DUNDAS: Yes—I am getting to that. There are two separate questions running here, so I will try to pare it down a bit. In respect of the Office of Rental Bonds and the interest from rental bonds, is it clear where the interest is, in the overall operating accounts of the Registrar-General? Is there a separate line which states that this is the interest from the bonds?

Mr Taylor: You mean, do we quarantine it—can we identify it as a separate thing?

MS DUNDAS: Yes, can you give me that figure?

Mr Lenihan: The interest earned on the bonds for 2001-02 was \$760,189.

MS DUNDAS: Can you tell me clearly where that interest has gone? I understand the interest is used to support the Tenants Advice Service and the Tenants Union.

Mr Lenihan: The Tenants Advice Service received \$146,400, the Residential Tenancy Tribunal received \$192,000 and the Office of Rental Bonds, as Mr Taylor just said, received \$552,000.

Mr Taylor: That is a total of \$890,400.

MS DUNDAS: The extra money over and above the interest—the extra \$130,000—comes from the government?

Mr Taylor: No. The amount of money in the investment account at a given time includes a component which would be derived from unclaimed bonds, and from bonds which are the subject of dispute. There is a process under the Financial Management Act for unclaimed moneys to be cleaned out every six years. That would mean there have been barely any cleaned out at this stage, because of the age of the scheme, or at least the involvement of my office.

With fluctuating interest returns from year to year, it is essential that, if you have a look at the \$760,000 earned in interest during the year and the expenditure of \$890,000, you have some contingency within the scheme to fund a lean year in interest returns on investments.

MS DUNDAS: I am getting a little confused. There is the money from the interest, which is split between the Tenants Advice Service and the Tenants Union, which equals about \$330,000. Then there is the \$552,00 to run the Rental Bonds Office. That \$552,000 is not dependent upon the money from interest, is it?

Mr Taylor: Yes, it is—very much so. The funding for the Office of Rental Bonds is not appropriated. It is dependent entirely upon the money from the interest. In that sense, the scheme is fully self-administering or self-funding.

MS DUNDAS: That is where I was getting a little confused. To change tack, do you believe that the Tenants Advice Service and the Tenants Union are effective in preventing applications going to the RTT?

Mr Taylor: I think so, yes.

MS DUNDAS: They are doing their job?

Mr Taylor: We think so. We are aware that their resources are fairly tight. We occasionally need to refer matters that come to our office for advice. We cannot provide advice on legal issues. We refer those to the Tenants Advice Service, and sometimes to the Legal Aid Office. I cannot give you any figures on Legal Aid referrals, though.

MS DUNDAS: Is the new system of having the Office of Rental Bonds within the Registrar-General's Office working all right?

Mr Taylor: We believe so. We have achieved quite a bit since the office came under the Registrar-General's Office. We have halved the administrative costs from the previous administrative arrangement. We have been able to do that by implementing a computer system for processing of bonds. We allow electronic lodgement of bonds, we refund bonds by EFT and we provide service on the spot. It blends very well with the nature of customer service provided by the Registrar-General's Office.

Mr Keady: Can I make a point? Mr Taylor likes to take credit for this, but, since the responsibility for rental bonds came to my department a couple of years ago, and was made the responsibility of the Registrar-General's Office, there has been a substantial cut in administrative overheads, a substantial improvement in processing times, and a substantial improvement in accuracy. The whole function is very well supported and very efficiently run. I think it is a credit to the office.

THE CHAIR: Well done! Thank you very much, Mr Taylor. The last area we have to examine today is the Legal Aid Commission.

Mr Stanhope: I think it was understood that they were not required.

THE CHAIR: No, there is a tick against their name.

Mr Keady: There may be a misunderstanding, Mr Chair. It may be possible to get someone out here quickly, if it is something to which you need a personal response.

MS DUNDAS: I have a few questions.

THE CHAIR: I have a few questions as well.

MR HARGREAVES: Are they questions which will require officers to answer, or are they easily put on notice?

THE CHAIR: We will give it a try. It is a fairly important area. If we cannot get to the bottom of it, we might need to ask them to come back.

Mr Keady: There is one alternative, if we could break for a few moments to find out how quickly it might be possible to get someone here.

MR HARGREAVES: You have 15 minutes.

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THE CHAIR: Perhaps we will ask our questions. If we feel the need to follow the answers up, we might try to arrange to have people over here this afternoon, briefly. I want to ask some general questions about the financial position of the Legal Aid Commission.

It seems to me that, when you exclude the Commonwealth funding from the position, there is a decline in the real funding of the Legal Aid Commission. Is that a false impression, looking at the figures, or not?

Mr Stanhope : Which page is this?

THE CHAIR: I am looking at the statement of financial performance on page 506. The outcome for last year is just over \$5 million. This year it rises to nearly \$6 million, but almost all of that increase is rollover of funding for Commonwealth—sorry, I may have misread that. Yes, \$600,000 is grants from the Commonwealth. Does that mean that \$300,000 is additional funding from the ACT? I think we are going to need the commission for this.

Mr Lenihan: I believe we have different versions of the document. I think you are reading from revised Budget Paper 4.

THE CHAIR: Yes, I am.

MR HARGREAVES: That sounds like an on-notice one.

Mr Lenihan: I think the details are the same—yes.

Mr Keady: The details in the two versions should be the same for Legal Aid.

THE CHAIR: We may have to take this on notice, but the question I am asking is, what is the real position of ACT government funding for the Legal Aid Commission? Has it increased, decreased, or remained the same?

Mr Stanhope : I am sure it has remained the same.

Mr Lenihan: There has been no reduction in the Legal Aid budget.

THE CHAIR: Has it received indexation? Is it going to be rising at the rate of inflation? You have already told me that there is going to be a cut because of the efficiency dividend in this area.

Mr Keady: No. That does not apply to legal aid.

THE CHAIR: You told me before that it applied to every area.

Mr Keady: Of the department.

THE CHAIR: I said to you, “What about those autonomous agencies like the Discrimination Commissioner and so on?”

Mr Keady: I am sorry. I guess I had a mental division in my mind. Legal Aid is somewhat different because it is differently structured, with its own board and with a Commonwealth source of funds. Legal Aid is not absorbing any cuts at all. Effectively, the \$850,000 will be spread across the department—but not the Legal Aid Commission.

Mr Lenihan: It has been indexed at 2½ per cent CPI.

THE CHAIR: Well, it is 2½ per cent notional CPI—CPI is higher than that. All right.

Mr Keady: Perhaps you could debate that with the Treasurer, Mr Chair.

THE CHAIR: We have already done that, at great length!

MS DUNDAS: Also on a financial bent, with regard to staffing costs, there was an increase between the 2001-02 estimated outcome and then an increase for this budget. Are we employing more people in legal aid—or what is going on in respect of staffing?

Mr Stanhope: I would be happy to take that question on notice, Ms Dundas.

Mr Keady: The Legal Aid Commission manages its activities on the basis of an in-house practice, as well as referrals. So it may be that they are adjusting the balance, but I could not say. We would need to take that on notice.

MS GALLAGHER: It is about \$200,000.

MS DUNDAS: Yes. There was an underspend of \$259,000 in last year's employee expenses. Was that because of the inability to fill a position, or savings that they were having to use?

Mr Keady: There was no cut that that would reflect, but, as to the reason, you would need to get advice from the commission. I am sorry. Can I go back? There is an answer to your question.

MS DUNDAS: There is?

Mr Keady: The notes indicate that the decrease of \$259,000 in 2001-02, from the original budget, is due to lower than planned staffing levels, with delays in recruitment. Then it gets back to normal, as a consequence of increases—I cannot explain why. Especially in the legal market, it could reflect departures of staff and then difficulties in recruiting staff with the required background or experience. I cannot say for sure.

MS DUNDAS: I am not sure where it is written, but there do not seem to be any projections for an increase in client services over the next four years.

Mr Keady: That probably reflects that they are working to their budget. They have forward estimates which they would be looking at with an indexation factor. I imagine the level of service they are able to provide is relatively stable, given the budget setting within which they are working.

MS DUNDAS: They are not projecting that there will be an increase in cases over the next four years?

Mr Keady: I think what they are saying is that, within the budget they have, that is the number of cases they are able to manage.

MS DUNDAS: I guess this goes back to Mr Humphries's question, about whether that is a tenable situation.

Mr Stanhope: In relation to Legal Aid, there would not be a person in Australia who does not acknowledge that, in respect of the limitations that apply to those who are eligible, there will never be enough legal aid, and that there will never be enough funds for legal aid.

The arrangements which prevail between the Commonwealth and the states and territories are a matter of great frustration to all the states and territories. I do not know what the percentage is, but the Legal Aid Commission, with the means test which applies, spends more time turning people away from its office than it does engaging them as clients. It is an extremely low means test, and access to justice for significant numbers of people is very difficult. We all acknowledge that—there is no doubt about it.

THE CHAIR: That is why it is puzzling that, for each of the next three years, according to the statement of financial performance, both the revenue and the expenses of the commission are falling. Expected revenue of 6.741 for this year, 6.291 the year after and 6.262 the year after that—and there are similar falls in expenses. You say that it is not being cut. I am pleased to hear it, but I would like to understand how that is possible.

Mr Stanhope: We will get further information on that.

THE CHAIR: Are there any more general questions of the Department of Justice and Community Safety?

I thought you might be interested, Minister, to hear that we did fish-out what you said about the Supreme Court in last year's estimates hearings.

Mr Stanhope: It was in estimates, was it?

THE CHAIR: Yes. Surprisingly, it was in estimates. You said, "As far as I am concerned, there won't be a new Supreme Court building. I think the one that we've got is more than adequate. There is enough room in there to play indoor bowls. I just want to state that a Labor government will not be building a new Supreme Court building." I am very pleased to note that you are shifting from that position.

Mr Stanhope: I think that, after that, upon reading the coldness of my comments, I indicated that it would not be in the government's first term but in our second term.

THE CHAIR: In your election statement, you repeated that statement, so it must have been even after that.

Mr Stanhope : It certainly will be a major second term commitment. I think you could see one being built by the Labor Party after the next election.

MR HARGREAVES : If not, then the third, Chief Minister!

Mr Stanhope : Yes.

THE CHAIR : At the present rate, you might not get a second term, Chief Minister.

MR HARGREAVES : We will see.

Resolved:

That, pursuant to standing order 243, the committee authorises the publication of evidence and submissions received by the committee during this hearing, together with any supplementary material arising from the public hearing.

Luncheon adjournment

Appearances:

Mr S Corbell, Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations

Department of Urban Services—

Mr A Thompson, Chief Executive

Mr A Eggins, Executive Director, Corporate

Mr L Hawkins, Executive Director, Planning and Land Management

THE CHAIR : Thank you, Minister, for returning today to talk about planning. We're resuming examination of output class 4 in Urban Services, Planning and Land Management. We were in the midst of that on the last occasion when we had to break off. I know that Mrs Dunne has a number of questions, so I invite her to pose one of them.

MRS DUNNE : Mr Hawkins, do you want to pull up a chair? Thanks, because the first lot of questions I have relate to staffing in PALM.

Mr Corbell : I'm sorry, Mrs Dunne, I should have said this to the chairman. I've indicated through your offices, Chair, that I will need to depart this hearing at 3.00 pm.

THE CHAIR : Okay, I will just respond to that by saying that this time was put aside originally for the recalling of ministers and we asked that time be kept aside for all the ministers. We're told that you have to go at 3.00 and the Chief Minister has told us that he has to go at 5.00 this afternoon, when we resume with him afterwards. We did make this arrangement more than a month ago, in order that we would be able to keep this time free. So if you've made other arrangements, Minister, that's unfortunate but we do have some issues that we've got to examine and we don't really have any time after today to deal with them.

MS GALLAGHER: But we have used well in excess of the 3½ hours set aside for this. I think the minister has been being pretty fair in the amount of time he has given the committee in recall, and additional time in his other portfolios. So perhaps we just need to get through it in 55 minutes.

THE CHAIR: Well, we can try, but I just flag it.

MS GALLAGHER: Well, I promise not to waste time.

THE CHAIR: Good. We promise not to waste time either.

MRS DUNNE: I asked some questions on notice about the staffing profile of PALM, and I thank the minister for the prompt answer. I now can't put my hand on it, but what I noticed was that there's been a 10 per cent increase in staffing from the time of the election until the end of the financial year. What's brought that about exactly?

Mr Corbell: Mr Hawkins, I'm sure, can provide you with more details and I'll ask him to do that in a moment. The point needs to be made, though, that the government has provided additional resourcing to PALM and the government also has a fairly extensive program of activity which entails new programs to be established and put in place. Neighbourhood planning, the strategic planning process and transport planning activities all entail additional work, but I'm sure Mr Hawkins can elaborate on that.

Mr Hawkins: Mr Chairman, as the minister indicated, with additional appropriation late last year and a new focus, new approach and new style of planning to be delivered through the planning authority—one more collaborative in style—it is by its nature intensive and the resources need to be in staff perhaps, rather than other ways of delivering our services. The neighbourhood planning program, strategic planning and resources in transport planning fundamentally make up the additional resource. I'd also point out that, with what you identify as around 10 per cent, at any point in time, full-time equivalent staff does tend to bob up and down, due to staff coming in and out of an organisation. So it's not all a direct linear relationship just with the new programs; it's just a function of capturing that information at that particular point in time.

MRS DUNNE: Yes, I realise that if you ask for a figure at this point and this point it is only a snapshot of those two periods, but I was interested in the extent to which the staffing in PALM had increased. If you don't think it's actually increased by 10 per cent, how much do you think it has increased by?

Mr Hawkins: The neighbourhood planning program is being progressively shaped as we respond to, in a collaborative style, the community we serve. It may be somewhat less than that that is directly attributable to the new programs, and I think I would just reserve my comments rather than seek to give you something precise when I don't have the information in front of me.

MRS DUNNE: Just overall, there is an increase of roughly 29 full-time equivalent staff from the end of September to the end of June, and it would be interesting to see what that is. On the base figure of 260 full-time equivalents, it is probably considerably more than 10 per cent. The thing that surprised me—and I actually asked this question because I just had a feeling, looking at the staff bulletins, that there was a lot of interchange of

staff—was that since 1 November there have been 84 positions advertised for filling, which is 29 per cent of the whole establishment. That strikes me as—

THE CHAIR: Across the whole of the government?

MRS DUNNE: No, 84 out of the 289 establishment for PALM. From my experience of 15 or 17 years in the public service, that's enormous. That's an enormous turnover of staff. I know that there are new staff, but that only accounts for 20-odd. What do you think accounts for that vast turnover in staff?

Mr Hawkins: Mrs Dunne, there's some explanation in point 4 of the answer supplied to you, in that it describes 22 new positions.

MRS DUNNE: Yes. But there are 62 that are in the area already that are being advertised. That's still quite big; that's 21 per cent of the whole establishment.

Mr Hawkins: That's right, and a significant proportion, as is indicated there, are internal movements as either staff win temporary positions—and on many occasions we don't appoint permanently as we are establishing the program and are developing the profile required and other positions are filled on temporary basis as someone assumes a new role during that period. So whether it's staff movements, internal and external—and we do have staff who are taken either to the Commissioner for Land and Planning or to go and do a stint elsewhere. That creates internal change, and those positions, in normal practice, are advertised, and they make up the range of the 84 positions.

Now within PALM in the last period, it's been significant refocusing in the type of skills needed to deliver a different style of planning, and it's created opportunities for staff for development, and that's not a bad thing. They get an opportunity to do some different work for a period, and when that occurs the vast majority of those 84 positions are actually created by either that internal movement within PALM or movement externally.

MRS DUNNE: You're saying that there's a great deal of internal movement. So are you creating new positions, either temporary or otherwise, in particular areas or shifting positions out of one area into something that has a higher priority? Are there things that you're not doing?

Mr Hawkins: Well, as people would probably recognise, in this committee or in the life of the former Assembly, the story of PALM over the last four years has been of significant efficiency reforms, and with that there are a range of functions which are regularly re-prioritised. And at the moment we are delivering our core services in a range of new and additional programs. I wouldn't say categorically that we have not re-prioritised; of course we have, to make sure we're doing the priority programs of the new government.

MRS DUNNE: Do you find it unusual that you would have basically a churning of 29 per cent of your staff over a seven-month period?

Mr Hawkins: I think it would be unfair to describe that as churning. That's adjustment to delivering new programs and it has been a significant, important period. Frankly, I think the staff have done a magnificent job to deliver those programs, maintain the

service level but reorient, as they needed to, to a different policy emphasis of a new government. And through that period to continue to provide positive service and get the level of positive feedback, it's been a commendable effort by the staff.

Mr Corbell: I think it's also important to note that there have been a number of key senior appointments which have emerged and have needed to be addressed. For example, the previous director of the territory planning branch accepted a promotion—under the previous government, I think it was—to be the conservator of flora and fauna in Environment ACT. Now her departure from PALM meant that that position had to be filled on a temporary basis for an extended period of time while a very wide-ranging recruitment process was undertaken. And inevitably what happens in that process is that a number of people move up a slot. So one person moves up a slot, another person moves up a slot to fill that slot, and another person moves up another slot to fill that slot. So you have a range of activity where people are notionally moving from one position to another as a result of filling of temporary vacancies, and that has occurred both within the territory planning branch and within the development management branch. So there's certainly been those circumstances occurring as well.

MRS DUNNE: Just to clarify—and I haven't been in the public service for about six or seven years now so things may have changed—I actually asked about positions that were advertised. If person A is moved out to, in this case, be the conservator and somebody acts in that position and then you back-fill higher duties, are they all advertised or are they just positions that you back-fill and put people on higher duties? When I asked about the 84, you answered me that there were 84 positions that had been advertised. That doesn't include, from looking at this, someone at Dr Cooper's level.

Mr Hawkins: Well, there are subsequent impacts, as the Minister said, and I think point 4 at least briefly describes that: 22 new positions, temporary and permanent basis, in 62 positions. And the advertising of those often depends upon the period—what's appropriate, so that the work continues—but the vast majority of them are advertised.

MRS DUNNE: And go through merit selection?

Mr Hawkins: They go through a recruitment process, and your question has captured all of those instances.

MRS DUNNE: Okay. So you've got 84 positions that have been advertised, gone in the *Gazette*, and interviewed for. That's an awful lot of staff selection at a time when an organisation is busy.

Mr Hawkins: Yes.

MRS DUNNE: And it says something about what's going on in an organisation when you have a turnover of 29 per cent of your staff in six months. It's quite unusual, isn't it?

Mr Thompson: It isn't turnover as in people leaving the organisation but it may be people moving between one job and another job.

MRS DUNNE: They're moving around, yes.

Mr Thompson: But it's certainly not as though we're pushing people out of the organisation—far from that.

MRS DUNNE: No, no, I'm not saying that. But you are actually moving people around and every time somebody moves from one job to another, it may be a great learning experience for them but it is a learning experience and there's a level of inefficiency there for a while, while people learn the ropes. And at the same time—

Mr Corbell: That's inevitable when you establish new programs. Neighbourhood planning is an entirely new program. The strategic plan is an entirely new program. The transport planning activity has elements which are new. The task force established to develop the planning and land legislation represents an entirely new activity. So that's inevitable when you have a new government with new programs which it is seeking to establish and get up and running.

MRS DUNNE: Yes, I understand that, but when you actually look at the figures and the great swag of positions, that is a lot of positions and a lot of new learning and—not as a criticism of anyone—in-built inefficiency as someone is learning their position and taking it on. And it does indicate that there is a great deal of flux in the organisation, which means that you're not going to be functioning on all cylinders all the time.

Mr Hawkins : The summary of all that is that it takes a great core commitment of the staff to make sure the service is delivered while you're going through the process of change. And I think the evidence is that it's a testimony to the commitment of the people in the organisation that they've made the adjustment; they've recognised this change. And to a degree there's a little bit of uncertainty when you're in a temporary position and trying to scope out the new role and you're under a fair amount of scrutiny under these new public programs. But to, by and large, successfully make that adjustment through a state of flux and keep the organisation relatively stable whilst refocusing has been, as I said before, a commendable effort.

Mr Corbell: The government's very conscious of the change that PALM is going through. We have asked PALM in particular to deliver a lot in quite a short period of time in terms of getting a range of new initiatives up and running. The efforts of everyone in PALM—the people involved in the new programs as well as the people who are continuing with the ongoing activities of PALM—have been outstanding. I have to compliment them for those efforts because the government had a big agenda on planning, delivering it in a timely way was essential, and, to date, that effort has been excellent.

MRS DUNNE: I hope that they can keep it up. There are a couple of things that I wanted to ask about the land servicing and the land release program. We talked at some length the other day about the new land development authority. But one of the questions that I didn't ask and which I really think is a matter for the estimates is: given the track record of governments of all colours and persuasions in running business enterprises, what guarantees, Minister, can you deliver that this one is going to be a success?

Mr Corbell: Well, I can't guarantee what the market is going to be like in six months time, 12 months time or five years time, but what I can guarantee is that the government considers all the issues and possible scenarios seriously and puts in place a responsible

structure to deliver a responsible land release and land development program. And that's what we've set out to do.

MRS DUNNE: And it will be more responsible than, for instance, the Harcourt Hill joint venture that at last count cost the ACT government over a number of years \$18 million in unforeseen costs? It would be more forward-looking than the hotel school venture, or than, dare I say, even the Williamsdale quarry, which was put out for external assessment of the business plan—it was all ticked off. You are not going to provide an external assessment of the business plan here.

Mr Corbell: Well, actually, to the contrary, and if the committee actually wants to make a recommendation that there should be an external assessment done of some of the business plan, the government would welcome that—the reasoning behind the financial model for land development, which has been the subject of a discussion previously. If the committee wanted to make a recommendation along those lines, it would be a recommendation I would welcome. I have no concern at all with such a recommendation, so I'll look forward to reading the recommendation.

MS DUNDAS: Do you want to write the report, Simon?

Mr Corbell: Well, I'd love to write the report, Ms Dundas, but I don't think the chair will let me do that. The issue is that the government will establish a rigorous and transparent process so that there can be full accountability of the way land development occurs. That's the structure, and indeed we've already set out how we propose to do that. For example, I provided to Mr Humphries today a full answer to his questions in relation to the land release program. He's asked, for example, for a reconciliation of my public comments with the relevant sets of data in Budget Papers 3 and 4. We have provided those answers, we have provided a full assessment of that, and we have provided a range of other figures and references in the budget papers that outline exactly where all these figures sit in the budget. So on the financial side we have provided all the information this committee has asked for to date. In addition to that, I've indicated that we're very open to an external assessment of this reckoning, in relation to the finances.

Thirdly, in relation to the governance structure, the government has set up in the Planning and Land Bill a governance structure which will make sure the process for joint public/private land development as well as public land development is accountable, transparent and operated on a sound business basis, very much along the lines that the Land Commission develops land successfully in New South Wales and other equivalent bodies in Victoria and other places do as well. So I have confidence in the process we've set forward, I am very open to the scrutiny you have put it through in this estimates process and, as I've already indicated, I am open to further scrutiny through an independent assessment of the financial model.

THE CHAIR: Could I say thank you for the answer to my question, but because it's come in so late I haven't had time to read the answer before dealing with today's issues. You implied that one of the differences between those past processes and this new process is going to be openness and transparency. How will this be more open and transparent than, say, the Harcourt Hill development or the hotel school?

Mr Corbell: I can't comment on decisions taken by previous governments, never having been a member of those governments. But what I can say is that the process we have established is a very open one and one in which we have demonstrated that openness to date. I have said very clearly that the government was very willing to have its assumptions around the costs of land development tested through the estimates process, because it's essentially a budget decision, and you have done that, I think. By the time we end this hearing today, 10½ hours of public hearings on planning—

MRS DUNNE: But not on the land release program.

Mr Corbell: Not all on land development, but including land development, and we have also put before the Assembly for its scrutiny a bill to establish the governance arrangements for land development. So on both the financial and the governance sides, we have put all the information before the relevant bodies of the Assembly itself prior to commencing on the program, which is outlined in this budget to commence at the beginning of next financial year.

THE CHAIR: Yes, thank you. But, Minister, Mrs Dunne asked you why this exercise would be different to previous government entries into business activities.

Mr Corbell: Well, my challenge—

THE CHAIR: Can I finish my question?

Mr Corbell: Yes, certainly.

THE CHAIR: Now, nothing you've said today about this project is different to what was available about those earlier projects. So how do you avoid the pitfalls of the past? What's the magic ingredient?

Mr Corbell: Well, no, on the contrary, we have established frameworks in advance of putting in place the program, and we are seeking Assembly endorsement for that framework. I don't think anyone went to the Assembly at the time and said, "This is the model for the joint venture for Harcourt Hill. Tell us what you think". I don't think that occurred. But that's exactly what we're doing in this case. Equally, my—

THE CHAIR: Well—

Mr Corbell: If I can finish my answer, equally, I think the challenge for you, Mr Humphries, is to outline that there are very successful business models here in the ACT, such as ACTEW and the Kingston Foreshore Development Authority, which have worked and continue to work effectively. Equally, there are successful government business models in other jurisdictions—Landcom and urban and regional land authorities in Victoria. And the challenge for you is this: I could turn the question around, and I guess I am, in saying why can't this government do what is successfully done in New South Wales and what is already successfully done in other government business enterprises here in the ACT? I think the bottom line is that we have put forward the model for your scrutiny, both here in the estimates committee and in terms of the governance arrangements in the Assembly itself. And we have sought explicit endorsement of that, through the budget process and through a piece of legislation, and

you could not say that either of those things was the case in relation to Harcourt Hill or the hotel school.

THE CHAIR: Minister, you say that you're opening this up to scrutiny. We asked a question on the last occasion about the figures that make this work. The figures were provided to us 30 minutes ago—at least, I received them 30 minutes ago at the beginning of these hearings today. You tell us you have to go at 3 o'clock, so we've got less than an hour's worth of—

MRS DUNNE: I thought we had him for an hour and a half?

THE CHAIR: No, unfortunately we don't. We thought we did too, but apparently we don't. Now we're supposed to scrutinise this system of yours with no adequate foreshadowing of the answers you've given to questions which you took more than a week ago on notice—and with scant information available in them anyway; there's only three or four pages of information about this when, with great respect—

Mr Corbell: It's a three-page answer, Mr Humphries.

THE CHAIR: Yes, but with great respect, a multi-million dollar exercise needs more than this.

MRS DUNNE: Minister, you actually undertook to provide us with the information on the various models, all-private servicing, the whole-of-government servicing, the mixed model. It's not there. It's not there in any way that I would call open an accountable and available to transparent—

Mr Corbell: Well, you are wrong, and let me respond to your comments.

MRS DUNNE: Where are the models?

Mr Corbell: Let me respond to your comments.

THE CHAIR: Well, actually I'll finish making my comments, as Mrs Dunne interrupted me.

Mr Corbell: Certainly, yes, please keep going.

MRS DUNNE: Sorry, I interrupted the chairman.

THE CHAIR: I have just one other point. With regard to the examples you give of government involvement, with respect, there are many more examples of government failure in business than there are of success. Even the Kingston Foreshore Development, with respect, hasn't sold a single block of land as yet, so it's much too early to describe that as being a great success. And of course ActewAGL, in your party's own words, has been half privatised. So we still don't have an example, really, in the ACT at the present time of a successful, fully government-owned business activity. And I'd say to you that the prevailing models are models of failure, not of success.

Mr Corbell: Well, I must say I take this mock indignation from the committee on not having sufficient time to examine these issues with a significant lump of salt. Let me put it to you this way. You have had 10½ hours of scrutiny on this portfolio area. You have chosen to spend your time on a range of areas but you have had the longest of any portfolio area, in your whole conduct as an estimates committee, to look at this portfolio area. You have asked more questions of this agency and of my portfolio responsibilities than you have of any other minister, and I'm happy to provide you with a list of questions taken both on notice and during the hearings themselves on this.

This portfolio area has come under more scrutiny from you than any other agency of the government. How you carve up that time is clearly a matter for you, and we simply are here to provide the information that you request of us, but you have had, as I said, 10½ hours of scrutiny in this portfolio area and you have chosen to ask the questions at your discretion, at your timing. As I indicated to you on Friday, answers to some questions would be late because officers had been sitting in hearings answering your questions and were unable to meet the three-day turnaround. And I was quite up front and indicated that to you on Friday.

The question from you, Mr Humphries, which was taken on notice around 23 July, asked for a copy of the WP Brown report on land development costs. That has been provided to you. In addition, I have formally indicated to you, as I indicated to you verbally during a previous hearing, that Mr Martin Hehir from Land in the Department of Urban Services, would be willing to provide to either the committee or to individual members a full briefing on the figures that are outlined in the various reports and other documents you have received to date, and a further description of the analysis used in determining the finances for government land development. But don't come to me here now and say we've only got 30 minutes to look at land development, because that is complete and utter nonsense.

THE CHAIR: I didn't say that was the case, Minister. Minister, we have more scrutiny of you because your invitation on the floor of the Assembly was that this would be the opportunity to examine your proposals for land development.

Mr Corbell: But that is not open—

THE CHAIR: Let me finish my answer.

Mr Corbell: But, Mr Humphries, that is not open-ended scrutiny. That is not scrutiny for the sake of scrutiny; that is scrutiny to ask pertinent and relevant questions and you have had 10½ hours to do just that.

THE CHAIR: We have asked for documents which still haven't been supplied. The information we've sought, from the beginning of this process, from even before estimates began, hasn't yet been supplied.

Mr Corbell: All questions have been answered.

THE CHAIR: That's not true. There is documentation asked for by Mrs Dunne which has not been provided.

Mr Corbell: Well, I challenge her to say what that is.

MRS DUNNE: I asked you specifically the other day—and you said at that time that Mr Hehir would be available to provide a briefing on the model—for the documentation that went with it. And I would like the documentation.

Mr Corbell: And, as I indicated to you at the time, Mrs Dunne, there is no one piece of paper—

MRS DUNNE: But I asked for all of the pieces of paper.

Mr Corbell: If I can answer your question.

MRS DUNNE: I know you said there was no one piece of paper. I don't want one piece of paper.

Mr Corbell: You want them all?

MRS DUNNE: Yes. You said you wanted scrutiny. We want to give you scrutiny.

Mr Corbell: Well, it's actually not your question; it's Mr Humphries' question. Mr Humphries asked about this issue, and the answer to the question indicates that we propose a briefing to you by Mr Hehir which provides you with all of that documentation, but we believe that that should be provided to you in a way when Mr Hehir is able to brief you fully on what it actually means so that you understand it, and you understand how it sits in the budget context.

MS DUNDAS: Can I ask a quick question?

THE CHAIR: I'll come to you in a moment, Ms Dundas. This committee has been meeting continuously since the last time we saw you. We have not had the time to have a special briefing from Mr Hehir. We rather thought that the minister concerned would be able to provide information sought by the committee.

Mr Corbell: And I have. I've answered all your questions. And I have to say that for you to pull on now this mock indignation in the last hour of 10½ hours of questioning is, I think, a nonsense.

THE CHAIR: It shouldn't have been that last hour; there should have been more time than that available.

Mr Corbell: If you don't ask the questions until late in the process, that's not my problem.

THE CHAIR: I've only just got the answers.

Mr Corbell: Well, you tell me what's insufficient, what's the problem with these answers.

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THE CHAIR: The fact that it's only arrived now, about half an hour before this meeting—in fact, as the meeting was starting.

Mr Corbell: And, as I indicated to you, Mr Humphries, that is because the officers who have to answer these questions were sitting here waiting for you to ask questions—all right?

THE CHAIR: The officers have other people in the department. As we know, there are many people in the department—over 200 people in the department who could have been helping with those answers.

Mr Corbell: Well, as I've indicated to you, the relevant officers were here.

THE CHAIR: You've got a question Ms Dundas?

Mr Corbell: And for you to raise this mock indignation—

THE CHAIR: There's nothing mock about it, Mr Corbell.

Mr Corbell: Indeed it is, Mr Humphries. It's simply part of your agenda, Mr Humphries.

MS DUNDAS: Obviously time is ticking away, so I'd like to move on.

MRS DUNNE: This is Mr Corbell's filibuster.

MS DUNDAS: There was a pile of information tabled the other day by Mr Hawkins. Was that relating to Gungahlin Drive extension or to land?

MRS DUNNE: That was related to DVP 200.

MS DUNDAS: Sorry, I just couldn't remember what that pile of information that Mr Hawkins tabled the other day was.

Mr Corbell: Mr Humphries, just to clarify, I should also indicate that when you indicated we were to be recalled today, you indicated it was in relation to the remaining outputs in PALM.

THE CHAIR: That's true.

Mr Corbell: And that's why there are no land officers here today—because you did not indicate that you wanted to ask further questions in relation to land.

THE CHAIR: Do you have questions on land?

MS DUNDAS: I just wanted to find out if you'd discovered what happened to the rest of the money that was allocated to the cost of the establishment of the independent planning authority as yet, which is a PALM output.

Mr Corbell: Yes.

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Mr Eggins: I am Allan Eggins, Executive Director, Corporate, Department of Urban Services. I think the figure you're referring to is the amount of \$446,000 that appears in Budget Paper No 4.

MS DUNDAS: Yes, and when we asked about this last week everybody said it was only \$202,000.

Mr Eggins: That's right. The actual expenditure against the establishment costs of the planning authority are of the order of \$208,000 in cash for the last financial year. In addition to that, some PALM and Urban Services overhead costs have been attributed to the costs, and they add about \$38,000. The remainder of the \$446,000 was drawn down at the end of the last financial year to meet the final establishment costs of the land authority as they emerge in this financial year so that cash is in the bank.

MS DUNDAS: Okay, so the money is all allocated as an outcome for 2001-02. You're now saying there's actually money that's on hold to be spent for this financial year?

Mr Eggins: All of it was drawn down during 2001-02. Some of it will actually be rolled over and expended in 2002-03.

MS DUNDAS: Can you tell me how much is going to be expended this year?

Mr Eggins: I would have to check the figures for the exact amount.

MS DUNDAS: Can you perhaps table—or take this on notice—a complete breakdown of that \$44,000?

Mr Eggins: Yes.

MS DUNDAS: That would be helpful.

Mr Eggins: It's of the order of \$200,000 but, to be precise, we can provide that on notice.

MS DUNDAS: Okay. I don't want to talk about land, but it does relate. There's a bit of money, or dedication, that's gone in from the department, both in PALM and in Urban Services, to the land development program and the independent planning authority—a lot of money, a lot of resources. Both of these things are dependent on the Assembly's support.

Mr Eggins: That's right.

MS DUNDAS: Do you have a contingency plan?

Mr Corbell: No.

MS DUNDAS: So you're expecting the Assembly to say yes?

Mr Corbell: Well, if the Assembly doesn't support the proposal, then everything stays as it is. PALM operates as it does now. Land operates as it does now. The government has an election policy and we're seeking to implement that. But we are a minority government and for a range of things we need the support of a majority of members. And we will seek to get that support, Ms Dundas.

MS DUNDAS: Yes—as you should, Minister Corbell. But you don't see either any significant amendments to the legislation or the legislation going down impacting on the budget?

Mr Corbell: Well, it will potentially have some impact on the budget, although I guess it's difficult to quantify. For example, as Mr Eggins has indicated, some of that money which was put together for the cost of the establishment of the new authority would be money that wouldn't necessarily be spent if we weren't able to establish a new authority. So in that respect there would be some impact on the budget. In relation to amendments to the bill, the government is always open to discussing amendments to the bill, as we are to any bill that we present to the Assembly.

MS DUNDAS: But also budgetary impacts of either significant amendment or the non-passing of the new land authority.

Mr Corbell: I'm sorry?

MS DUNDAS: What would be the budgetary outcomes related to either significant amendment or a non-passing of the land authority?

Mr Corbell: Well, in relation to significant amendment, it would depend on the amendment and it would be very difficult to determine what that would be. But ultimately the law is the law, and, whatever law the Assembly chooses ultimately to pass in relation to a planning authority, the costs of that have to be met and the government will work out the most appropriate and responsible way of doing that. All we can do is plan for what we can reasonably foresee. And that is what we have done in this case in relation to land.

Mr Thompson: Minister, could I just comment on that. One of the answers which I think was provided to the committee today—I'm not sure; it's been provided; I don't know whether it was today or not—was about the effects of the new land release model, which did have some negative effects in the first two years and then started to move into the positive. And, in the long run, there's about a \$17 million average improvement in the budget. So, if the current proposals do not go ahead, what you would see is the sum costs, which is moneys to do with the task force, put aside. And then the other outcomes would be, in rough terms, a reversal of those figures we've provided. So you could see a short-term improvement for the first two years and then the territory would be well less off in the out-years, to the tune of about \$17 million.

MS DUNDAS: In each of those years?

Mr Thompson: In each of those years. Yes.

MS DUNDAS: Thank you. I have a question about Gungahlin Drive.

MRS DUNNE: I've got some questions on Gungahlin Drive. They're only a couple of brief ones.

MS DUNDAS: After we had the first discussion about noise abatement for Aranda, I received a letter from a constituent who lives in Kaleen and was concerned about noise abatement measures for Kaleen. And he's already mentioned the significant increase of noise associated with the work of the Barton Highway flyover intersection. He indicated that he thought that there would be no specific noise abatement measures around the Barton Highway crossover. Can you explain what you're looking to do in terms of Kaleen?

Mr Corbell: Sorry, just recalling Mr Thompson's answers, I was told today that the questions would be in relation to PALM.

MRS DUNNE: And Gungahlin Drive. I specifically said Gungahlin Drive on Friday. I specifically said Gungahlin Drive, Mr Chair.

Mr Corbell: Well, it's not what the chairman said from my recollection. I have officers here today from PALM and from the corporate area of DUS, responsible for the budget overall. I don't have any officers here from roads who are specifically involved with the Gungahlin Drive extension project. If I had been aware of that, I would have made officers available. So I'll endeavour to answer questions where I can, but I may have to take a number of these on notice.

MS DUNDAS: I'm quite happy for it to be taken on notice. I did put the preface on it that I received this letter after we had the discussion.

MRS DUNNE: And the question is: what noise abatement measures are being put in place?

Mr Corbell: I know. We heard the question, Mrs Dunne.

MRS DUNNE: Is this the question: what noise abatement measurements are to be put in place before the overpass on the Barton Highway opens in December 2002? We seem to have the same letter, which has prompted the same question.

MS DUNDAS: I think we do have the same letter. Sorry, Mr Thompson.

Mr Thompson: If I could respond to that, we hadn't expected to put any noise abatement measures in place for that overpass. There certainly is extra noise there at the moment during construction. You've got heavy construction plant relatively close to some of those houses, but our view was that for that particular work once the road was finished you'd have an acceptable outcome for the residents. That's different to what we think we should be doing once the road is extended, once we've built GDE. Kaleen is in two parts from the viewpoint of the road. We do actually come quite close to some housing at the very north end of Kaleen, and we've always thought that there would be some need for some noise abatement there. Whether that's concrete barriers or earth embankments remains to be resolved. Further south, my memory is that we're about

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200 metres away from that southern part of Kaleen and it's less clear what we'll need there.

MS DUNDAS: It was the northern area that I was interested in, so thank you, Mr Thompson.

Mr Thompson: But at the northern end, yes—not for the Barton Highway work but certainly for the GDE extension.

MRS DUNNE: So that is for the extended bit that is going to be elevated because it goes over Ellenborough Avenue—so basically everything from the Barton Highway cloverleaf void down to where you get off the overpass over Ellenborough. This is one of a number of constituents who have raised with me, and obviously with Ms Dundas, the issues of noise abatement. So could you take those issues, specifically about the Barton Highway overpass but also about GDE as it extends from the Barton Highway and crosses Ellenborough Street.

Mr Thompson: Yes, I am happy to do that.

MRS DUNNE: I have a GDE question. It's one specifically for the minister. In the answers to questions that arrived today, Minister, you said:

The Ministry was briefed on the project on 13 May and this briefing included discussions of the two-staging option ... Following the briefing the consultant was directed by the department to further examine the two-lane option.

First of all, I don't have an answer to the questions about the provenance of this document—"Feedback from the presentation to cabinet on 13 May"—which Mr Thompson undertook to get for me.

Mr Corbell: Yes, you do, at point 6—at answer 6 of that question.

MRS DUNNE: I'm sorry. I do apologise. I'd missed that. But where you've said, "Following this briefing the consultant was directed to further examine the two-lane option", how does this marry with the wording of the results of the cabinet briefing on 13 May that says, "The first stage of the GDE alignment will be a two-lane road"? They weren't looking at anything else by that stage, were they?

Mr Corbell: First of all, that document is not a record of cabinet.

MRS DUNNE: Yes, we understand that. It wouldn't be an FOI request if it were.

Mr Corbell: Nor was the briefing provided to a cabinet meeting.

MRS DUNNE: It was provided to a MAG, yes, we understand that as well.

Mr Corbell: So it's very important to make that point. The document is, in fact, erroneous on that point. It uses the word "cabinet" when that is simply incorrect.

MRS DUNNE: But all the members of cabinet were present on that day?

Mr Corbell: The ministry was present, yes.

MRS DUNNE: All the members of the ministry were present?

Mr Corbell: Yes.

MRS DUNNE: But they weren't, for the purposes of the act, constituted as cabinet at that time?

Mr Corbell: We were not constituted as cabinet at that time; that's correct.

MRS DUNNE: A nice point.

Mr Corbell: Well, an important point. Certainly, if it had been a record of cabinet, Mrs Dunne, you wouldn't have it.

MRS DUNNE: I would have been very surprised to have received it through an FOI request; yes, I know that. I've been an FOI officer—been there, done that.

Mr Thompson: Mrs Dunne, could I just amplify. Hamish McNulty and I have compared our recollections of that meeting and we certainly gave the ministers a range of possibilities for the road, and there were lengthy discussions about all sorts of aspects of it. And we were aware that the capital works program was approaching finalisation. We didn't have a clear view, as of that day, about exactly what the funding allocation would be for GDE. Hamish certainly came back to the office and briefed his staff about a likely possibility, but we don't recall it being a firm decision at all on that day about having the two-lane option. That crystallised probably about a week later before the budget cabinet decisions on the capital works program—

MRS DUNNE: Crystallised with whom?

Mr Thompson: With us, about the available funds—

MS TUCKER: "Us" being PALM, you mean?

Mr Thompson: No—

MRS DUNNE: DUS.

Mr Thompson: Well, it was the department and the roads people in particular, yes.

MS DUNDAS: I have some more output questions. In Output 4.2, Development Management, there's been an under-spend in assessment processes over 2001-02 and then a \$200,000 reduction for the estimated outcomes of 2002-03, and also a reduction in lease services, area plans and appeals—in the money allocated for that cost. Can you explain why that's happening? It's page 216 of revised Budget Paper 4.

MRS DUNNE: Or 217 in the old one.

Mr Corbell: Which measure are you looking at, Ms Dundas?

MS DUNDAS: Cost of development applications—both the assessment process and lease services, area plans and appeals. There was an under-spend for assessment processes and a slight over-spend for lease services, but both of them have had a reduction, assessment processes by \$200,000 and lease services by \$80,000. I'm just wondering why you think you're not going to have to spend as much on development applications as you did last year.

Mr Corbell: I'll ask Mr Hawkins to answer that question.

Mr Hawkins: As we mentioned earlier, in the passage of time, even team formation boundaries adjust and, whilst I don't have the specifics down to the dollars and cents here at the moment, my understanding and expectation is that it's simply recognising some regrouping of the functions within that branch. It's largely the development management branch that is doing the core assessment work. We still are giving focus to development application high-quality sustainable design. In fact, some of the functions, and therefore the costs, have aligned with the new government programs to shift, as you can see at the bottom of the page, local area planning committees servicing from this output to 4.1 to align with neighbourhood planning. And oftentimes there's just the rationalisation, therefore, of the overhead costs and some small adjustments to the overall line items.

MS DUNDAS: So you're saving \$200,000 in assessment processes due to management efficiencies.

Mr Corbell: I don't think Mr Hawkins really said that.

MS DUNDAS: Okay, I didn't mean management efficiencies; I just mean more efficient in overhead management.

Mr Corbell: Well, no. The overhead costs are apportioned to all the different activities in the area. There's an element of personnel, HR, senior management, which is apportioned right across all activities, and when certain activities are relocated to other parts of PALM—or indeed other parts of any other agency—there has to be some recalculation of that apportionment of the overhead costs. That is what has occurred in this case. So that's why the figures vary.

MS DUNDAS: So the moving of the community information LAPAC committee has had a flow-on effect?

Mr Hawkins: What's happened across the board is there's some slight regrouping in allocation of staff costs, the figure now shown as 1.463, I think—whichever version you've got in front of you—of grouping of compliance and lease conveyancing. They are doing a little bit more in compliance work, for example. That's just reallocating those costs against the nature of the work we're doing. At the bottom of the page you can see there's some overall reduction. We account for that because we've shifted the LAPAC functions into another branch and therefore another output.

MS DUNDAS: Okay. I'm still a little bit confused about the \$200,000 out of assessment processes, but I think you've given me as much information as you're able to on that.

Mr Hawkins: Able to at the moment, that's right.

MS DUNDAS: I have a similar question under licensing and regulation and the costs associated there. There was an over-spend in the total cost of \$1 million and—

Mr Corbell: 4.3?

MS DUNDAS: Yes, I'm looking at 4.3 in the costs; it's the page over. And a number of these measures have been combined into a new cost compliance audits and regulations activities. But safety inspections and costs of audits both spent more than their target for 2001-02. Was that because you were doing more safety inspections?

Mr Hawkins: If I could, I'd like to take that question on notice.

MRS DUNNE: Good.

MS DUNDAS: And also the costs of audits, and also why there was that, I guess, total cost over-expenditure.

THE CHAIR: Okay, have you got that, Mr Hawkins? Okay. Thank you, Ms Dundas. Mrs Dunne?

MRS DUNNE: This, I suppose, vaguely relates to 4.1. There's been some controversy about east O'Malley. I don't know if it's a question for the minister or for Mr Hawkins. When do you propose to do the draft variation that would accommodate the changes in east O'Malley—like taking all that stuff that's out of residential and putting it into Canberra Nature Park, those sorts of things? And there's a bit of twittering around the edges that needs to be done as well.

Mr Corbell: Yes, I'm keen to have that draft variation out for comment as soon as possible. The government wants to make sure that that 64 hectares no longer has residential land-use policy associated with it, but instead a land-use policy relevant for its incorporation in the Canberra Nature Park. The exact timing I'm not sure of. I don't know whether—

MRS DUNNE: Has work commenced, Mr Hawkins?

Mr Corbell: Can you answer that further?

Mr Hawkins: No, I can't answer at the moment. I mean, we're aware of the work that has to be done. But I couldn't brief you at the moment on the scheduling of it.

MRS DUNNE: Could you get back to us with the scheduling? I think it's most important for the community to have the certainty of the variations and, at least—

MS GALLAGHER: But is it relevant to estimates?

Mr Corbell: Well, it's territory planning activity, Ms Gallagher, yes. I'm happy to answer the question. I agree, we do need to have the draft variation out there as soon as possible, and that's my intention.

THE CHAIR: All right, that question's taken on notice.

MRS CROSS: Minister, do you have a ballpark figure on how much money you think you'll raise from the sale of east O'Malley?

Mr Corbell: Well, I tend not to want to disclose the exact price that the government hopes to get at an auction, because it is an auction, and signalling in advance what we expect to get from an auction tends to—

MRS CROSS: Just give me a rough estimate.

Mr Corbell: It tends to jeopardise the public interest in terms of the return from the auction. So, as a rule, I'd prefer not to answer that question, Mrs Cross.

MRS CROSS: Minister, some O'Malley residents have had concerns regarding the southern end of east O'Malley—a proposal on the connection to the major road, and too much traffic being diverted down into the small residential streets. What consideration have you given to extending Ngunnawal Drive to connect it to Dalman Crescent?

Mr Corbell: I'll have to check the record but, if I recall correctly, that is an issue that has been raised with me. I have sought advice on the issue from PALM. The advice I've received—again, if I recall correctly—is that it's not necessary to do that work and that the existing framework for traffic is adequate, given that it won't be a huge change overall in traffic activity, and that is consistent with the approach adopted by the previous government in relation to its planning for the estate.

MRS CROSS: So your government is not even considering opening Ngunnawal Drive into Dalman Crescent to alleviate the concerns of the residents of east O'Malley. You've advised them of this; is that right?

Mr Corbell: I couldn't tell you now if I've advised them of it, but certainly, as I've indicated to you, the issue was raised with me and I did seek advice on it. And the advice I received was that that proposal was not required, and that is consistent with the approach the previous government took on this matter also.

MRS CROSS: Before the election, what commitment did you give to the Conservation Council and other groups, like the Red Hill regenerators, about the development?

Mr Corbell: Of east O'Malley?

MRS CROSS: Yes. We're still on east O'Malley.

Mr Corbell: Well, east O'Malley technically isn't a PALM issue in relation to land release, but I'm happy to answer the question.

MRS CROSS: Thank you.

Mr Corbell: I indicated to the Conservation Council and to other conservation organisations that the government would consider the appropriateness of releasing the site in the context of the concerns raised by conservation groups about the value of the site, and that is what I did. I delayed the auction, which was originally proposed, if I recall correctly, for March this year. I deliberately postponed that auction to enable me to give further consideration to the issues that were being raised by the Conservation Council. That's what I did. And, on balance, I took the decision—and it was a difficult decision—that the land should be released.

MRS CROSS: Do you have in writing the advice that you say you were given by PALM? If so, can you provide it to the committee?

Mr Corbell: I'm sorry, which advice is that?

MRS CROSS: The advice that you mentioned earlier regarding Ngunnawal Drive connecting to Dalman Crescent. You said you received advice from PALM and you took that advice.

Mr Corbell: I'm not sure where that is, but if that can be obtained I'm happy to provide it. If I recall correctly, Mrs Cross, it's actually in a letter which I sent to a number of constituents on the matter. I'm not sure whether I can release to you that correspondence, but I'll take—

MRS CROSS: Can you—

Mr Corbell: Well, for privacy reasons.

MRS DUNNE: Black out the names.

Mr Corbell: Well, indeed. All I'm simply saying is that I'll take the question on notice and endeavour to provide you with the relevant information.

MRS CROSS: Could I also have, for the committee's sake, the information that you were given—from PALM to you—on that issue?

Mr Corbell: Again, I'll take the question on notice and I'll endeavour to provide you with all the relevant information.

MRS DUNNE: Mr Hawkins, if the Dalman Crescent-Ngunnawal Drive intersection is not being pursued at the moment by Urban Services, does that mean that that will be part of the draft variation—that you will actually take it off the Territory Plan? From my understanding, it's on the Territory Plan now. Well, it's at least on the block and section map, so I presume that reflects what's on the Territory Plan.

Mr Hawkins: Well, to be fair, I too don't have my expert support here on all the detail of those questions, although my understanding is consistent with the minister's on those issues having been raised during the term of the last government as well, and then being assessed. And so, if there's any more detail I can offer to help the committee, we'd certainly do that and take it on notice so that we can get back to you and have a full

understanding, but in general terms I've got a consistent understanding with what the minister said.

Mr Corbell: I think the point needs to be made, too, that these issues were raised with the previous Liberal government and the previous Liberal government decided that these options did not need to be pursued. Your minister, Mr Smyth, took the same view. Just for the sake of the record, it's important to stress that.

THE CHAIR: We won't have a debate about that. I want to be able to finish as many questions as we can. Minister, draft variation 200 is now out. You have argued that this is part of restoring Canberra's status as the garden city, and you say that part of that process is to try and concentrate development in a 200-metre zone around shopping centres. The development industry in the ACT, the construction industry, has argued that this is a constraint on the types of developments that might occur and the capacity to provide for a variety of lifestyles in any given suburban area. Have you or your department done work on the effect on redevelopments in the ACT that draft variation 200 would entail?

Mr Corbell: I think Mrs Dunne has already asked this question, Mr Humphries, in relation to impact on development activity and—

THE CHAIR: I think the question—

MRS DUNNE: No it wasn't. Mine was about housing types.

Mr Corbell: Housing types?

MRS DUNNE: Yes.

Mr Corbell: Okay, well it's certainly related—

MRS DUNNE: It is related but it's not the same.

Mr Corbell: And I have answered that question in relation to the types of housing.

THE CHAIR: Yes, okay. But my question is not so much about the types of housing as the volume of housing. The industry is arguing that they are going to find an inability to continue the level of redevelopment work in the ACT because the kind of thing they can do now is greatly restricted. Indeed, if you're arguing that protection of the garden city means that certain inappropriate developments will not happen in certain areas of the city, then you're obviously excluding some of those from the pipeline. The fact that development can take place in a 200-metre zone around shopping centres doesn't, of course, mean that every block in that zone is available for redevelopment because there's the small matter of people already owning the blocks and not necessarily wanting to release them.

Mr Corbell: Indeed.

THE CHAIR: Developers won't necessarily have access to blocks in places where this kind of redevelopment is now possible. So they are arguing that a slow-down in redevelopment is on the cards in the ACT. Have you done work which will indicate what kind of volume of redevelopment work might be happening in the ACT as a result of this change?

Mr Corbell: I'm happy to have Mr Hawkins provide you with a little more detail on this, but let me just mention some issues in relation to the policy itself. The policy is indeed meant to focus development activity in strategic locations around the city in a way that meets our objectives as a community for a more sustainable city and for the location of greater housing choice close to services and facilities and public transport, so that there are actually some real benefits from having higher densities close to services, facilities and public transport—people being able to walk to these facilities and so on.

THE CHAIR: Yes, I understand all that.

Mr Corbell: Yes, the draft variation does restrict certain development types. For example, in the areas designated as suburban areas, the proposal is that there will not be any opportunity for unit titling. You are permitted to have a second dwelling but it cannot be separately unit titled. You cannot have three dwellings on a block. In the general areas, unit titling is permitted. You can have two or three dwellings—indeed, possibly more if you go through a block amalgamation process. Block amalgamation is permitted in the general areas. It's not permitted in the suburban areas under the proposed policies. We believe that this is a very significant response to the issues that have been raised by the Canberra community. I would be very interested to hear what the Liberal Party's policy is on dual occupancy and triple occupancy development. Since the election you have not articulated one. Nevertheless, that point aside—

THE CHAIR: Minister, in limited time, I think we really need to get to the nub of the questions being asked, if we want to get through the list.

Mr Corbell: That point aside, Mr Hawkins is happy to provide you with more detail on that.

Mr Hawkins: Certainly, we're aware that there is a constraint in the sense that it's responding to the new government's policies in introducing those constraints and focusing in concentrating redevelopment in the areas you described in the general policy. I'd emphasise that we've had many from the development community participate in the last two weeks while we've been doing these hearings of the five neighbourhood planning workshops, which have provided an ability to adjust the boundaries—the 200-metre line—and listen to those development industry views. I believe they've been very largely successful in hearing people from different perspectives respond and adjust to their local community needs.

THE CHAIR: Sorry, can I interrupt. I appreciate all this background, but, with respect, we've heard it before. My question wasn't about how this is working. My question is about how it affects the volume of redevelopment work. Clearly, if it is going to have any impact at all, it's going to be to exclude certain sorts of developments in certain parts of the city. Now, if developers can simply displace what they're building in block so and so and to block such and such, which is within the 200-metre zone, there would be no

effect on the volume of development work. But that isn't the case, is it, because they won't necessarily have access to a block within the 200-metre zone. Now they say to us that they're looking at shifting their activity outside the ACT because the volume of work is declining under these new arrangements. Now, have you done any work, as a department, that would suggest how the flow-through of development applications and other work might be affected by these new changes?

Mr Hawkins: We've done the work, and work of that nature, to understand that the capacity for redevelopment can be catered for and will be refocused. And, as you rightly say, any analysis such as that is dependent upon the market forces—the value of property people are prepared to exchange and shift that development potential in the marketplace. So it can only ever be estimation of capacities and whether the market will respond. And, as you rightly suggest, the market says a lot of things—they did, certainly, straight after the release of DVP200. We now find that, in the months that have elapsed, they are now back around the table seeking to influence and respond to the consultation period, seeking to make submissions about perhaps how DVP200 should be refined again, with the very sort of analysis that you're talking about, and I'm starting to see a more constructive dialogue emerging from the industry to contribute to how we actually do move the policy along.

THE CHAIR: I daresay they're trying to minimise its impact on their industry and reduce the amount of restrictions that are placed on them to be able to do it.

Mr Hawkins: Certainly, and all of those perspectives need to be listened to, because there are certainly strong views on the other side as well.

THE CHAIR: No doubt they've expressed to you the concern that there will be a capacity to do less redevelopment work because of this DVP.

Mr Hawkins: And certainly I hear the view expressed that it's causing the industry to adjust, and many in the industry are already making their adjustment to respond to this policy—

THE CHAIR: By going outside the ACT.

Mr Hawkins: By adjusting their development and making sure that they are responding inside the ACT to these new policies.

Mr Corbell: Residential areas, though, simply aren't fields for redevelopment activity. They are also people's suburbs, people's neighbourhoods, people's homes, and we have to seek to strike the balance that permits change which is responsive to community needs, as well as maintaining the characteristics and amenity that people value. We believe draft variation 200 does that well, but, as Mr Hawkins says, we are open to the consultation and feedback that we get through the process we're going through at the moment.

THE CHAIR: I remind you that the period of the highest dual occupancy development in the ACT was at the end of the last Labor government—I mean, three times the rate of dual occupancy development in the ACT.

MRS DUNNE: Ten times the rate.

THE CHAIR: Ten times.

Mr Corbell: Tell that to the National Trust. It's listed nine Canberra suburbs on the endangered places program as a result of—

MRS DUNNE: It's the ACT Labor Party who put them there.

THE CHAIR: That's what contributed to that problem.

Mr Corbell: As a result of your government's planning policies.

THE CHAIR: They haven't said that, Minister.

MRS DUNNE: No, actually it didn't say the Liberal government's planning policy; it said "government's planning policy". Mr Hawkins, on the subject of redevelopment you said before that DVP200 would place constraints. How do you marry that statement with the assertion in the land release program that there would be a thousand dwelling sites available in the redevelopment package?

Mr Corbell: Mr Hawkins is not responsible for the detail of the land release program per se. As you would know, Mrs Dunne, it's undertaken by the land area in Urban Services. But I'm happy to seek to answer your question. In fact, I think you've already asked this. The level of redevelopment activity has been assessed upwards from 500 to 1,000 and—

MRS DUNNE: Yes, we've had this discussion. That's not what I'm asking, Minister, although I haven't had that analysis provided to me.

Mr Corbell: Well, as I'm trying to say to you, Mrs Dunne, the 500 was considered to be an extremely conservative figure and—

MRS DUNNE: Mr Chairman, it's not what I asked and the minister's time is constrained. I've asked: how do you marry the fact that DVP200 will provide constraints with the assertion in this year's land release program that there will be 1,000 dwellings available in the redevelopment capital?

Mr Corbell: The land release program has been put together mindful of and cognisant of the release of DVP200.

MRS DUNNE: So how do you take account, if you say that there will be constraints on development?

Mr Corbell: The answer to that is: we still believe there will be over 1,000 dwellings made available through redevelopment, even with DVP200 in place.

MRS DUNNE: I think, Mr Chairman, the minister is making bland assertions.

Mr Corbell: Well that's the case. The land release program—

MRS DUNNE: Yes, it is—it is indeed.

Mr Corbell: No, my answer is the case. The land release program was put together after DVP200 was released. So Land knew what the potential planning policies were and they took them into account in determining the level of new dwellings that would come onto the market through redevelopment activity. So if your question is how do we reconcile them, they have been reconciled, and the very clear assessment of Land is that we will still have over 1,000 new dwellings coming into the market through redevelopment activity, even with draft variation 200 in place.

MRS DUNNE: How many of those do you consider will be dual or triple occupancies?

Mr Corbell: I couldn't tell you that off the top of my head.

Mr Thompson: Mrs Dunne, could I just add a couple of things. I don't believe a huge proportion of that will be dual and triple occupancies. I do believe a significant proportion of that 1,000 will be townhouses, medium-density housing, such as we see up and down Northbourne Avenue, and a significant proportion of that 1,000, based on what we're seeing at the moment, is in areas up and down Northbourne Avenue, covered by B11 and B12, and there's very vigorous activity happening, as we see it, right now.

MRS DUNNE: On that question, Mr Thompson, for the ones that are going up at the moment, like the Phoenix and the other one whose name I can't remember, and the Space, which has not started yet, which year do you count them in? Do you count them in the year that they become occupied?

Mr Thompson: If we go back to one of our previous sessions here, that's one of the real dilemmas that the land release program has had over the years, because you're actually measuring two different issues. There is greenfield, where we are actually measuring the release of land by the government to the private sector, where they then build roads and so on and then on-sell. As for redevelopment activity, when you count it is an interesting debate which we'll have to sort out at some stage, because what we can measure is not that greenfield thing; what we can measure is either DAs or something about the commencement of building or the completion of buildings. And so, to that extent, we're not comparing exactly the same issues, and we never have been able to do that.

MRS DUNNE: That's right. It seems to me that you'd need to set criteria because, for instance, the Phoenix development and the one across the other side of Northbourne Avenue, which is the 10-storey tower, obviously are currently under way, but the Space, which should be under way soon, would commence in a different financial year. They might all complete in the same financial year, but I don't think that, when you're thinking about the redevelopment sites becoming available in this financial year, we're thinking about the 250 in the Phoenix, for instance. And beyond the Space development stage one, is there anything else much up Northbourne Avenue that's in the pipeline?

Mr Thompson: There's a significant level of proposals—

Mr Hawkins : As Mr Thompson said, in the stages prior to approval there are intentions, and that leads to meetings and some of that is the information intelligence, if you like, which is one of the inputs to forming a land release program, and indeed probably covered here many times. You're constantly monitoring and reviewing that; that's part of what's currently the Land function. It's not a static thing; it moves during the course of the 12 months, in fact. So, whilst there's documents produced once a year, it's a constantly monitored and analysed issue.

Mr Corbell: Indeed, the industry itself provides a high level of information through the advisory arrangements between land and property and both the residential and commercial advisory groups where they themselves flag the projects they're aware of that haven't yet been formally notified or approved but which they understand to be in the pipeline. Those are also taken into account. And there are pipeline effects for both greenfields and redevelopment activity. For instance, as Mr Thompson says, we measure greenfields land released when we sell it. But when that actually becomes available to home buyers is another matter. And it can be 12 or 18 months before it actually hits the market in terms of land with a house on it that someone can buy or land that is serviced that someone can buy. And so there are significant pipeline effects in both the greenfields and redevelopment areas.

Mr Thompson: Mr Chair, I just wanted to add one further thing, and it goes back to the issue raised a few minutes ago about the effect of DVP 200 on whether there's enough area, if you like, or enough land for appropriate redevelopment and so on. There are two issues to be considered. On the one hand, there are some very strong community views. We had the Braddon neighbourhood planning meeting last night and I was certainly sitting at a table where there were some very strong views about what areas that community wanted to see available for redevelopment and what areas they wanted preserved in a very suburban way. That's one thing the government must take account of.

The other issue is that, if you take this model of a 200-metre radius, that, in rough terms, converts to about 16 to 17 hectares surrounding each shopping centre which could be available for redevelopment. Now that sort of figure shows up on the maps that were put out when we released DVP 200. We had some sample maps of varying bits of Canberra, probably there's one of Yarralumla and so on. So 16 or 17 hectares around each shopping centre is a reasonable area. It's still subject to a lot of community debate, about whether that's too much or too little, but it's not insubstantial.

THE CHAIR: It's not insubstantial as long as, as a developer, you've got access to land within that radius.

Mr Thompson: Yes.

THE CHAIR: Now, if it happens to be that there are only two blocks of land available in that area, then the value of those two blocks of land capable of being redeveloped, goes up quite a lot and the value and the cost of the housing also rise. So there's another debate about whether this is going to add to the costliness of housing in the ACT, given that there's clearly a significant preference choice on the part of many people for that style of housing. And if you want to make it the preserve of the rich, well, that's fine, but I don't think it should be. You mentioned DVP 200. Why was the making of that DVP

different to the sort of approach that's been taken in the past? I understand that when variations to the plan are developed there's usually some foreshadowing and consultation about the process being used. The announcement of DVP 200 took the industry by surprise. They made the point that they had no forewarning of it, no chance to be consulted about the way in which it was going to be brought down. And next thing you know they're hit with change of which they had no forewarning. Why was there that different approach in this case?

Mr Corbell: Well, I reject the assertion that there was a different process and I reject the assertion that there was no forewarning. Indeed, there was significant forewarning. First of all, the government's policy itself—

THE CHAIR: Yes, very vaguely worded though.

Mr Corbell: Talked about addressing these key issues.

THE CHAIR: The garden city?

Mr Corbell: Well, it talked about it more than that. It talked about excessive overshadowing, excessive extended hard paving, big houses crowded onto blocks. These sorts of issues were specifically mentioned as issues we wanted to address in our planning policy. Secondly, from early this year, at a range of both industry and community forums—including the very large neighbourhood planning forum at the Albert Hall in February, which over 200 people attended, representatives of both community and industry—I made it very clear, at those meetings, at subsequent neighbourhood planning meetings and at a range of industry meetings, that the government would be shortly releasing new residential land use policies that sought to protect the garden city characteristics of Canberra. I used those words again and again at a range of forums, so government made it very clear it was going to release a new draft variation, that it was a release of new residential land use policies, and that it was about addressing perceived impacts on garden city characteristics because of certain types of redevelopment activity.

In addition, the community consultation process the previous government undertook in relation to ACTCode 2—which was the result actually of a motion I moved in the Assembly to delay the implementation of ACT CODE 2—highlighted very clearly very strong concerns about lack of sufficient private open space requirements, lack of sufficient protections in relation to overshadowing, and lack of sufficient permeable surface requirements in relation to plantings and effective landscaping. All those issues identified in the consultation process undertaken by the previous government are issues that we have addressed in draft variation 200 and in—

THE CHAIR: Minister, I understand that. We've heard it. But the detail of this variation, unlike other variations, wasn't discussed. I mean, how you respond to those problems is the issue here.

Mr Corbell: No, no, it was discussed. This is the fact. The issues were discussed, the issues were discussed all through the very extensive process the previous government went through in relation to ACTCode 2. ACTCode 2, as you remember, is actually

a release of residential land use policies and associated codes for residential development. So there was that very extensive discussion then. In addition—

THE CHAIR: The 200-metre zone wasn't part of that.

Mr Corbell: No, it wasn't. But, in addition, the way we have released this draft variation is no different. Variations come out all the time for public comment. It is wrong to portray the normal process as being: "This is what is going to be in the variation and we're going to be releasing it then". The variation comes out for public comment. We have proposed a very extensive process of public comment, and then the variation is revised by the planning authority, Mr Hawkins. It's then referred to me and, if I agree, I refer it to the planning committee, there's another period of public consultation, the report of the planning committee is, as you know, considered by the government and then, if all is well, it is tabled in the Assembly as a formal variation.

What we did in relation to draft variation 200 is no different from the release of other draft variations. It's no different from, say, the release of the industrial land use policy variation; it's no different from the release of other variations by either this government or the previous government. The details of variations are not, as a rule, flagged in advance. The general intent may be flagged in advance, but the details of the variation are never flagged in advance; it's not until they are released for public comment, because that's the whole point of the consultation process.

Mr Hawkins: Mr Humphries, can I make one final point perhaps to emphasise: on the nature of DVP 200, you may well have answered the question in part yourself by pointing to the market-sensitive nature of some of these issues, which is not helpful for those people who may feel that either developmental potential is changing by that dotted line, and how that is involved in preliminary negotiation within the development community or industry, that is fairly introduced and then subject to review and adjustment because of the clear separation in market impact as well.

So, recognising all of those things in the history, I feel we've really done a fairly open and fair process of introducing it, and in addition to that there are community advisory panels providing additional advice as we go through the refinements.

Mr Corbell: In addition to that, we actually made sure that the draft variation did not have interim effect from the day it was publicly released, but in fact it has staggered implementation even in relation to its interim effect provisions. So, if anything, we put in place additional measures which wouldn't be put in place in relation to other draft variations.

THE CHAIR: Can you explain the industry's criticisms, then, of the process? Have they been made publicly?

Mr Corbell: Yes, I can—well, I can't speak for industry entirely, if at all—

THE CHAIR: They're glad to hear that.

MRS DUNNE: I'm sure, I'm sure you can't.

Mr Corbell: As neither can you or other members because you're not of industry, but the point that I think is worth making is that I understand industry's concerns about draft variation 200. These are policies which do place limits on certain types of redevelopment activity, and, to the extent that they place limits on certain types of redevelopment activity, I understand that they would not be happy about that. But, equally, I am very conscious of the concerns of many in the community who want to see a stronger framework for governing and focusing redevelopment activity, which does so in way that still protects the garden city characteristics of our suburbs. That's what this policy does, and we've got it out there for public comment so that everyone can contribute to the process. The government is very serious about listening to all the comments, both from industry and community, on this very significant draft variation, and that's why we've actually extended the consultation period by an additional month.

THE CHAIR: You've heard what the Braddon LAPAC thinks about the idea of brothels in—

Mr Corbell: Well, I have to say it's not the LAPAC; it's the view of one member on that LAPAC.

MRS CROSS: Yes. Unfortunately, he sent out the press release on the LAPAC's stationery claiming he was speaking for the whole LAPAC.

THE CHAIR: Yes, he claimed to be speaking on behalf of the whole LAPAC.

Mr Corbell: Well, I can assure members that, as I understand it, the LAPAC itself has not reached any collective view. It is the view of one member of that LAPAC—and he's entitled to his view.

THE CHAIR: So what's the government's view?

Mr Corbell: In relation to brothels in Braddon?

MRS CROSS: Yes.

Mr Corbell: We believe the existing policy framework is acceptable and appropriate and there are no plans to change it. I'm sorry, Mr Humphries, I am going to have conclude shortly.

MRS DUNNE: Okay. This'll be very brief. In the FOI request I've come across various iterations of a document called "Draft Objectives of Gungahlin Drive Extension Project". Is there a final set of objectives? I think that it might be a document that you might've had some hand in writing, Mr Hawkins.

Mr Hawkins: It's objectives for a working group, a steering committee. Mr Thompson's the chair of it and I understand, yes, we did finalise those objectives.

MRS DUNNE: Sorry, I missed that. That was the latest version that I could find. Is that the latest version, or is there a final version?

Mr Hawkins: I don't recall whether that's the latest but that was addressed at the steering committee project within the department.

MRS DUNNE: Could I have a copy of the final or the most up-to-date version of the objectives of Gungahlin Drive extension?

Mr Hawkins: We can do that, yes.

Mr Corbell: I am happy to do that, Mr Chairman. I'm sorry I'm going to have to conclude my attendance here today.

THE CHAIR: All right, we'll place any other questions we might have on notice.

Short adjournment

Appearances:

Mr J Stanhope, Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women

ACT Health—

Dr P Gregory, Chief Executive

Ms L Yen, General Manager, Community Health and Mental Health Services

Dr P Dugdale, Chief Health Officer

Mr A Schmidt, Executive Director, Corporate Services

The Canberra Hospital—

Mr T Rayment, Chief Executive

Mr G Lee Koo, Deputy Chief Executive, Operations

Ms R O'Donnell, Executive Director, Women and Children's Health

Ms K Pierce, Executive Director, Surgical Services

THE CHAIR: Minister, how long have we got this afternoon?

Mr Stanhope: Well, I and the officers of course will answer the committee, Mr Chair. I did have an—

THE CHAIR: Good. We'll be here till six in that case.

Mr Stanhope: That wasn't what I was leading up to say. We are in your hands. I do have an appointment at five, which I did foreshadow, but I guess all I'm asking is that, to the extent that it is possible to conclude then or thereabouts, it would be of advantage to me. But I acknowledge that the committee has its processes.

THE CHAIR: Perhaps we can trial the government's policy of having three-minute answers to questions. That might actually get us through in the time.

Mr Stanhope: Right. As long as the questions are no longer than a minute.

THE CHAIR: Yes, all right. We'll try to do the same thing. That's a fair comment. Now the order that we have scheduled for this afternoon is Community Care, HealthPact and the Canberra Hospital. Do members want to stick to that order? They do. Okay, that's fine. Well, let's try to make sure we don't spend more than 45 minutes on any one of

those areas, just so we can get through them all. Are there any questions on ACT Community Care?

MS DUNDAS: Yes. I just wanted to ask about the capital works program, the Belconnen health centre refurbishment, stages 3, 4, 5 and 6, and the minor new work of energy management at the Kippax health centre. Can you provide some more information about those works—how they're progressing and whether or not they're going to meet their expected completion dates at the end of this calendar year?

Mr Schmidt: I am Allan Schmidt, Executive Director of Corporate Services, Community Care. The Belconnen health centre refurbishment has been work in progress for about the last five or six months and is due for completion at the end of this calendar year. And that should be achieved. Fundamentally, that refurbishment was to provide a mid-life upgrade to those buildings to bring all of the buildings up to, I guess, contemporary building standards and to reflect the service delivery models that are in place now, which have changed since the buildings were first implemented.

The energy management project with the Kippax health centre is a smaller work, and that's probably got a little bit more time to go and probably will not be finished until, I would imagine, the end of this year or probably the first quarter of next.

MS DUNDAS: And what is the energy management project?

Mr Schmidt: Fundamentally, it's looking at things like airconditioning systems, heating/cooling primarily, in the Kippax health centre—maybe a little bit of lighting as well—to try and have more energy-efficient systems put in place, putting in things like automatic lighting systems, and more efficient airconditioning plant. And we've done projects on some of our larger facilities where you then start looking at things like water consumption and the like.

MS DUNDAS: And you said that it might run slightly over time. You don't expect it to run over budget?

Mr Schmidt: It won't run over budget.

MR SMYTH: How do the changes in the formation of the new department affect the services that Community Care delivers?

Ms Yen: The principal change will be that the responsibility for running the disability program will transfer into the new department. That would be the most substantial of the changes. As a result of the shift of funds from Community Care, we are going to have to do some re-profiling of our corporate services to enable staff to move across to match funding that will go out of the department, out of the service.

MR SMYTH: Will that affect your ability to deliver services in what remains in Community Care?

Ms Yen: I don't think I would want to make a firm promise on that until we've actually been able to understand precisely how we will re-profile staff and services. What my intention would be is that we would retain the services to clients as part of that deal, and

that's what we're aiming at doing. But because of the sort of pattern of funding, we're just beginning that planning process on how we actually manage that change.

MR SMYTH: Is the reshaping of aged day care services to increase active rehabilitation part of an overall aged-care strategy, given the doubling of the aged-care profile in the next 15 years, or is this a stand-alone activity that's going on?

Ms Yen: It was a result of the review of our aged day care services, and you will know that currently we are providing aged day care services from four locations: Narrabundah, Dickson, Tuggeranong and Belconnen. We're really needing to think about what's the role of our services in providing aged day care and whether the respite services and social day care are the role of our services. So it's part of our wish to increase the capacity to do rehabilitation and active rehabilitation for people in the community.

MR SMYTH: When will you make those decisions?

Ms Yen: We have made a decision about the first two, Narrabundah and Dickson, but we want to move on changing those two services now. But we're in the process of working out what that would actually mean in terms of the changes to other services.

MR SMYTH: What will Narrabundah and Dickson move to then?

Ms Yen: I can't actually give you the answer on that right now, mostly because we haven't made the changes. So one of the things that we're exploring is the alternative uses for those services, and certainly at Dickson we've got very great space pressure on our services for maternal and child health, for podiatry services and for other community rehab services. So what we'd be doing there is putting that space to other use. Narrabundah health centre is a service that has got a range of services, including disability, aged day care and community health services, as well as a couple of private tenants who are lodged in that building. What we'd be wanting to do is to reshape the use of that and we may be able to provide different sorts of community health services in those premises.

MR SMYTH: Will the clients that currently use Dickson and Narrabundah transfer to Belconnen and Tuggeranong or will they just lose the services?

Ms Yen: Until we've actually got that actually planned out, I can't tell you for sure, but one of the issues that we have to work out is whether or not we would want to re-profile the pattern of aged day care services. If Community Care didn't continue to provide those, then we'd need to look at whether there were alternative providers who might want to take those places up.

MR HARGREAVES: I have a couple of questions on the rehabilitation program. I was struggling to find in the budget papers somewhere where targets and outcomes would appear, and couldn't find it, so I looked up the statement of intent. On page 34 of your statement of intent, attachment 5, for rehabilitation services, number of occasions of service, it says 32,100. But I can't see where the last year's achieved outcomes were. Do we have those? Do you have them? And, if you don't have them about your person, can you send them in?

Ms Yen: We can certainly send them in. I think, as with the other end-of-year figures, they won't have been audited yet, so we can send them down.

MR HARGREAVES: That would be good, if you wouldn't mind. This is one of Ms Dunne's favourite hobby horses, but I wonder what is the benefit to anybody of knowing the occasions of service that have gone through rehabilitation, unless there's something else to compare it against—knowing as I do that trying to compare occasions of service in a rehabilitation model is a complete waste of time when you are comparing them with occasions of service in any other model in the health game. Perhaps I might just ask, for the record, that you give some thought over the next year or so to something else which actually tells people the differences between the rehabilitation model and other health issues, because I don't think it's all that helpful, except as a comparative measure.

Can you also tell me how much money was spent last year and how much has been provided this year for the ACT equipment scheme, please? That's the scheme that provides such things as walking frames, wheelchairs, incontinence pads et cetera. I'd be interested to know how much was spent on that. I don't expect you to have that information here, obviously not in that level of detail. I also recognise that you've only recently copped it—only recently, in the last year or so, got responsibility for that. It's been a part of the hospital system for, I might say, far too long and it's nice to see it back in Community Care where it belongs.

Ms Yen: Thank you, John. We'd agree.

MR HARGREAVES: So I'd be grateful if you could give those—

MR SMYTH: Is this a paid advertisement?

MR HARGREAVES: No, it's just one of the things that got right up my nose.

Ms Yen: Have you got any thoughts, John, about what performance measures you think are the right ones for rehab?

MR HARGREAVES: Well, yes, I do—success measures; for example, length of stay. One can compare, for example, the length of stay in rehabilitation ward, length of stay in programs within rehabilitation, the range of services provided to the range of conditions of how long people are in those sorts of programs. We have the community rehabilitation program for example, which is completely different to everything else in the hospital setting, and it would be an idea about how long people are going through it, because, if there's an improvement in the length of stay these people have, it's either because they're dying rather quickly or it's because we're being efficacious. It's quality judgment.

Ms Yen: One of the quality initiatives that we're pursuing this year is looking at what are the critical success issues that you need to have in place to enable people in rehab to move back into full community life, and I'd hope that we might be able to report on that next year as well, which will give us some more information.

MR HARGREAVES: Well, two spring to mind, which are quantitative and lead us to qualitative judgments. For example, there is the number of people who've been assisted by the driver program to obtain licences where they've been physically unable to get one before. We also have, within the vocational rehabilitation area, processes to enable people to have a career change because of their significant disability—and a success rate for finding those people employment. They're two that come to mind rather instantly.

Ms Yen: The vocational rehabilitation particularly you're interested in, yes.

THE CHAIR: In your targets for the highlights for the coming year, you've indicated that developing home detoxification services using new pharmacotherapies is an objective. What sort of home detoxification do you mean by that?

Ms Yen: One of the benefits, I think, of introducing the new pharmacotherapies is that you are more able to support people at home to detox—that you don't need the same level of inpatient service for many people. And so we would run now a supported detox at home so that people took the buprenorphine, which would be that particular drug, or, as we introduce it, naltrexone. So, instead of having a hospital admission—in the same way that people start on insulin, for example, in the community, then we'd be looking at using a home-based service, and that doesn't mean somebody stays with you 24 hours a day; it means that you will be supported at home through the process.

THE CHAIR: Obviously one of the issues with the methadone program is the potential for methadone or other sort of substitute drugs to be taken and sold on. I assume that there are safeguards developed to ensure that won't happen in this case?

Ms Yen: Yes.

THE CHAIR: What sorts of addictions are we talking about and what kinds of approaches might be taken to them?

Ms Yen: Well, people quite successfully do withdraw from alcohol at home now, and we can begin to offer, I think, more people withdrawal from opiates, which would be the other principal drug. And, of course, we've all withdrawn from tobacco at home at one stage or another, probably. So those would be the three that we'd be really looking at.

THE CHAIR: So this is not a particularly new concept, but it's being more widely used in the ACT.

Ms Yen: It's quite new nationally. It's something that has only really relatively recently, like the last four or five years, become very much more part of the withdrawal services. One of the things that I think has been really important about some of the national work on addiction has been the jurisdictions across Australia starting to recognise that there are different models that you can use—that very often, if people are in a situation where they can be supported at home, they've got people around who care about what happens, they've got the right environment, then that's a good environment to actually have that service provided.

I think that if we start to look at that around the whole of the country, we'll probably find more and more that that will be a useful adjunct to other services that we can offer. It won't replace, I don't think ever, the need to offer people different sorts of withdrawal services, but it's certainly one of the ones that I think we would all be very keen to include as part of the portfolio.

THE CHAIR: So you're pretty confident that this won't lead to inappropriate drugs being administered at home in a way that might add to a black market of some sort?

Ms Yen: I don't think I could ever guarantee that, but, given that any of the treatments would be supervised, which would be part of the service, then—if we just think that, in order for people to be able to go on to take-away doses of methadone or any other drugs at the moment, then we need to feel fairly confident that they are confident that they can manage that. There are a number of people who would want take-away doses over a weekend, for example. What we usually would do would be that we would want them and their doctor to be confident that they will be supported through that process and they're not at risk of either selling it on or coming to some bad end as a result of it.

You can't ever prevent, I think, people who are living in a community making choices that may not be in their best interests, though I don't think that this program raises the risk of that. I'd have to say that it must, though, have the careful regulation and monitoring. It's not something that I think any of us would feel confident just seeing as an unregulated change in the system.

MR SMYTH: One of the highlights is improving access to ACT Community Care services through consolidation of client registration intake and assessment. How important is the client care information system to that?

Ms Yen: Fundamental.

MR SMYTH: Fundamental. Yesterday we heard that that fundamental system had had half a million dollars taken from it as part of the clawback of the expenditure. What functionality have you therefore lost?

Ms Yen: I'll pass that along.

Mr Schmidt: The CCIS project, community care information system project, was developed up about, I guess, 18 months ago now, and fully costed. It was recognised at that stage that, like all major IT implementations, especially going into an organisation where we were starting from a very low base—in fact, you could almost say a green field—there was a significant both technological and cultural risk in terms of implementing that project into community care. We also ensured through the costing that we took account of, I guess, the likely sorts of vendors that might respond to the tender that we went out with and took account of the technical infrastructure that might be required then to support some of the modern-day systems.

As that project has unfolded over the last 12 months—the contract was signed in October—through, I guess, the project management through the course of that project up until the point where that half a million dollars was offered up, we were actually at a point of reviewing the project outcomes to be at the point where we believed that the

half a million dollars could have been offered up without detriment to the project at that time.

So through, I guess, close project management, managing the risk that was associated with the project—and with all projects there are obviously contingency amounts available—we were able to manage that to the point where that half a million dollars was able to be, in fact, offered back to the government without detriment to the project at all.

MR SMYTH: So the system will do everything that was sold to the previous cabinet and give you what you need.

Mr Schmidt: It will continue to deliver all of the outcomes that were set out in the business case which was submitted to government about two years ago.

MR SMYTH: Well, that's pleasing. The revised budget paper, the update to Budget Paper 4, on page 457 says implementation of CCIS is \$5.6 million. When you go further into employee and superannuation expenses it then lists some of the decrease in the budget because of the transfer of disability and some savings. But it then says it is partially offset by the implementation of CCIS of \$8.51 million. What does that mean?

Ms Yen: Which page are you on?

MR SMYTH: Page 457 of the revised papers.

MS DUNDAS: That would be \$851,000.

MR SMYTH: Sorry, \$851,000. What did I say?

MS DUNDAS: \$8.5 million. It's just a small—

MR SMYTH: Just getting carried away.

THE CHAIR: What's a decimal point between friends?

MS DUNDAS: I think we've done a lot of things over the last 10 days we could spend \$8 million on.

MR SMYTH: I'm sorry, I didn't mean to say that. I knew it was \$851,000.

Ms Yen: You'll have to help me. Which paragraph are you on?

MR SMYTH: On the top of page 458, it's the very first line. So on page 457 it's the first dot point—the implementation will cost \$5.6 million—and if you go over the page to 458 it says the implementation of CCIS is \$0.851 million.

Ms Yen: This was savings related to the disability program, isn't it—the budget?

MR SMYTH: No, it says you've transferred disability programs out and you've made savings in disabilities, I assume, and that therefore is then partially offset by the implementation of CCIS.

Ms Yen: So you're looking at the decrease in budget over the two years?

MR SMYTH: Yes. But the budget paper I'm reading is saying the decrease is offset by CCIS to the tune of \$851,000. And then, under administration expenses, it does say again there are some decreases due to the transfer of disabilities, and these are offset by the implementation of CCIS, in this case to the value of \$2.9 million. I just seek an understanding.

Mr Schmidt: I guess we're getting into the technical business in the financial statements of the various splits. The CCIS project is funded through, I guess, capital and recurrent funding, and that recurrent funding is then split between salaries and wages expenses and then other operating expenses.

MR SMYTH: And that's just the internal breakdown?

Mr Schmidt: And we're sort of trying to break those things down to reflect how the operating statement is changing from one year to the next, I think—to reflect the changes as a result of that project.

MR SMYTH: Okay. Could you take that on notice and give me a fuller breakdown? Is that possible?

Mr Schmidt: Yes.

THE CHAIR: Could I ask about the savings that are indicated at the bottom of page 456. There are savings in ACT government user charges of \$188,000. Is that part of the department's \$1.4 million target or whatever it is—general savings that are asked of you by government?

Ms Yen: When we were looking at preparing our budget for this current year, there were a range of savings initiatives that we were asked to identify as possibilities, knowing that we were likely to have to do that. And the issues that we were looking at were the reduction that we knew about of the waiting list moneys which would come out.

THE CHAIR: The offering of what, sorry?

Ms Yen: We were clear that our planning for a budget in this coming year would need to incorporate some of these changes. And one was recognising that we had to look at a change in the dental program, where an additional \$500,000 which had been available to us last year was not recurrently available. So that had to come down. The savings initiatives were related to in-program savings as efficiencies within programs and specific programs—projects in child, youth and women's of \$120,000. That saving, to a large extent, is made up of a change in the way that we're working with QEII and the different responsibilities that each of us would take around employee liabilities for staff at QEII. So, as QEII has become more settled in its financial arrangements, it believes that it can take on risk that we have previously been covering for it.

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Dr Gregory: Can I just add that that \$188,000 is part of the savings detail that I listed yesterday overall, so it's wrapped up in the rostering with part of it and some of the other changes and—

THE CHAIR: Okay, rostering and fleet, things like that.

Ms Yen: Yes.

MR SMYTH: Well, except against rostering and fleet and stationery, you listed \$163,000?

Dr Gregory: No, also the \$75,000.

MR SMYTH: Under the minor changes?

Dr Gregory: Yes.

MR SMYTH: So that's all come out of Community Care?

Dr Gregory: The fleet and the rostering, I think; not the stationery but the other. Does that add up to \$188,000 or thereabouts? It should do. I think it does.

THE CHAIR: It looks as though the bulk of those areas of savings have fallen in Community Care though, doesn't it?

Dr Gregory: No, that's \$188,000 of the \$1.6 million. I identified the amounts of \$1.6 million yesterday and of the—

MR SMYTH: Yes, but \$90,000 of that was Well Babies, \$300,000 was Health First, \$200,000 was Health Promotion, \$200,000 was portfolio changes, mainly the board, half a million was the computer which we've discussed, which leaves only \$75,000 for minor changes and \$163,000 for the fleet, roster and stationery, so that's—

Dr Gregory: And it's part of the fleet, rostering and stationery plus the \$75,000, for the minor changes.

THE CHAIR: That means that, of those general across-the-board savings, most of them are made in Community Care.

MR SMYTH: It would be \$188,000 out of \$258,000, wouldn't it?

Dr Gregory: No, because the \$75,000 is a part of the \$188,000, so if my maths are right, it's \$110,000 of it.

Ms Yen: It's \$110,000 from—no, my maths are not exactly right; it's \$113,000, sorry.

Dr Gregory: Thank you very much. It's \$113,000 of those across-the-board—

THE CHAIR: Of that \$235,000 approximately.

Dr Gregory: We're dealing with a total of \$188,000 out of the \$1.6 million. That's made up of the amount of \$75,000 identified yesterday plus \$113,000 of the combined amount there for fleet and resources. That makes the \$188,000.

Ms Yen: Could I start again?

THE CHAIR: Yes, please.

Ms Yen: Thank you.

THE CHAIR: Thank you, Dr Gregory.

Ms Yen: It's \$188,000—\$100,000 to do with rostering, which is the introduction of the rostering system which will firstly go into disability but will transfer with disability into the new department. So we'll provide that capacity to them. But we will also roll it out across alcohol and drug and other services where we offer more than one shift at a time. And we can indeed use it for—

THE CHAIR: So that's a saving built into the amount that's transferred to disabilities?

Ms Yen: No, it will be eaten by the services. So we expect to fund for ourselves \$100,000. There are savings of \$38,000 in fleet, which has been really a more efficient management of staff use of fleet; and \$50,000 related to QEII.

THE CHAIR: Assuming risk.

Ms Yen: Which is the transfer of employer liabilities—or the responsibility for it.

MRS DUNNE: Sorry, what are the savings in relation QEII?

Ms Yen: The relationship or the contract that we have with QEII has been that the department has contracted with Community Care, who subcontract then with QEII for the provision of services. And QEII is in a better financial position and feels more able to take on the responsibility for the longer-term employer liabilities like superannuation.

MRS DUNNE: Right. So before, you were carrying that?

Ms Yen: Yes.

MRS DUNNE: Okay.

Ms Yen: And then, in terms of changes in child, youth and women, the reductions relate to services which were funded in the previous year which were not continued. Funding wasn't continued into the new year.

MS DUNDAS: Were they one-off programs, or like trial programs?

Ms Yen: One was additional immunisation for young adults—MMR vaccination for young adults—which was a one-off funding the previous year. One was related to a one-off funding for bilingual interpreters. Now, we run the migrant health service so we

provide most of the in-house services for Community Care, but there was some additional funding the previous year which looked at directing bilingual and health promotion activity to a couple of particular communities, which was one-off funding which came out—not recurrent funding. It was where we did a project and came out of that for the end of the year. And then we're upgrading the cervical cancer register, which I think certainly, Mr Smyth, you know about. And we were able to do that for a lesser cost than we had originally planned. So we had originally, I think, \$110,000 identified for that and we've been able to do it, by doing it in a different way, for around \$50,000.

MR SMYTH: Dr Gregory, that'll all be clear in the reconciliation that you're getting for us on the \$1.6 million?

Dr Gregory: Yes. I had lumped some of those amounts together, but we'll provide the further detail in that reconciliation, yes.

Ms Yen: I apologise for that confusion.

THE CHAIR: Okay, are there other questions of ACT Community Care? No? In that case, thank you, Ms Yen and Mr Schmidt, and we'll move on to HealthPact. I've decided that Ms Dundas can have the first question in this round.

MS DUNDAS: I notice in the HealthPact highlights for 2002-03 that HealthPact has the naming rights sponsorship for the ninth annual Masters Games that are going to be held later this year. Can I ask how much money you've provided as that sponsorship and whether or not HealthPact is reconsidering its position in light of reports on the weekend about the withdrawal of some of the ACT clubs from the Masters Games due to problems with management?

Dr Dugdale: The sponsorship, I understand, is around \$300,000. I haven't heard of a reconsideration being given to that.

MS DUNDAS: So you've given the money and you think everything's fine?

Dr Dugdale: There hasn't been a reconsideration since the weekend. Whether the HealthPact board would do that I'm not sure.

Dr Gregory: Mr Chair, I just wonder if I should perhaps clarify what we have here. The HealthPact board is the decision-making body in relation to HealthPact. The board is not actually present here. The chief health officer is the departmental representative on the HealthPact board—sorry, or he is a member of the HealthPact—

Dr Dugdale: No, no. Perhaps if I—

Dr Gregory: He will clarify his position in relation to the HealthPact board.

Dr Dugdale: The representative on the board is Mr Michael Sparks, who works to me. And also we provide the secretariat for the board. So we employ the public servants that do the bidding of the board.

Dr Gregory: So, in relation to questions about why the board has made particular funding decisions, we're not really able to answer those questions. I apologise if there's a misunderstanding about the nature of the committee's requirements in terms of who should be here to answer questions.

MS DUNDAS: Are they appropriate to be put on notice?

MR HARGREAVES: I think it is, and it can be answered on notice. But can I also point out that it's not later this year; it's later next year.

MS DUNDAS: Sorry?

MR HARGREAVES: The games. They're on for October 2003, not October 2002.

MS DUNDAS: But I think it's in this budget.

MR HARGREAVES: The point that I'm making, though, is that it will be in another budget round anyway, and so the problem could be even worse than the line of questioning that you are going down.

MS DUNDAS: Well, we can have two rounds of questioning on this. But the reports were made this weekend—so could you take that on notice for the board. Reports were made on the weekend about ACT clubs withdrawing from the Masters Games, which means obviously there would be less promotion to get out of the \$300,000. So I'm asking whether or not HealthPact is reconsidering its position—now that the minister has left the room.

THE CHAIR: Could I ask about the replacement of tobacco sponsorship. Originally, one of the purposes of HealthPact was to provide an alternative source of funding for those organisations that were deprived of the right to be able to get tobacco sponsorship. And you'll recall that there were some arrangements—I think it might have included the Prime Minister's XI cricket—where there was a commitment for a number of years to fund, in lieu of tobacco sponsorship. Do you know if any of those arrangements are still on foot, or have we now sort of flushed that through the system?

Dr Dugdale: Well, HealthPact funds projects on the basis that they promote health. There is the history that the fund was set up after discussion about a removal of the capacity for cigarette companies to provide sport and other cultural sponsorship. But there's not now a direct nexus. So you can't go to HealthPact and argue that you deserve sponsorship because you would have otherwise been able to get tobacco sponsorship. You have to make your argument on the basis that you are going to promote health. Nevertheless, the idea that sporting events are good venues for promoting health, just as they were good venues for promoting cigarettes, is still the case and there are a number of sports sponsorships that occur. One good example is the Summernats, not something that people usually think of as a health promotion venue. But, if anybody needs health promotion, it's the people who go along, and certainly in the past motor sport was a big attracter of tobacco dollars. I'll just try and find the specific grant. Street Machine Services Pty Ltd have received funding of \$8,000 for the Summernats car festival and they will work with the HealthPact staff to make sure that a number of health promotion messages get put across in that forum.

Dr Gregory: Can I just add that, within the legislation that creates the Health Promotion Board, the replacement of tobacco sponsorship does remain as one of the legislative purposes.

THE CHAIR: I suppose we have missed the chance for the HealthPact Canberra 400 now, haven't we? Never mind.

Dr Gregory: We'll cope.

THE CHAIR: I remember there was criticism in the past that HealthPact tends to fund lots of little things and almost become a kind of alternative source of revenue for projects, and that the viable promotion of a health message and all of that was a bit secondary. This is a question, I suppose, for the minister: are you comfortable with the direction of HealthPact, or do you feel it needs any sort of different focus or emphasis?

Mr Stanhope: I am comfortable with it, Mr Chair. Some of the grants are quite significant. In terms of the spread of coverage of HealthPact and the health message, I think it's doing a very good job. The only issue that I've had with HealthPact in the past was the extent to which it sponsors or supports a significant number of sporting organisations and sporting events—and events such as, without wishing to be sexist, Summernats. I was concerned that the level of expenditure involved some gender imbalance or gender inequality insofar as much of the expenditure was involved in supporting sporting events or venues or events that perhaps attracted a significantly greater number of men than women, or events that supported men more than women. And that's the only issue of concern that I, personally, have had with HealthPact. I think, to the extent that it's supporting this broad range of organisations and generating a broad range of health messages, that it's doing a very good job.

Dr Dugdale: I think also your question looks at the effectiveness of HealthPact, and certainly the board and the department and the minister in correspondence have raised the issue of evaluation. And HealthPact has noted that it is now undertaking a review of the HealthPact evaluation process. It's actually the reason I was out of the room at a crucial time yesterday—speaking with Richard Refshauge, who is one of the HealthPact members, about where things are going with evaluation. They are looking to improve that. It's obviously very difficult to do a comprehensive evaluation of a \$939 grant, but there are other strategies that can be used to look at the impact of health promotion in the community, and HealthPact is looking at that over the coming months.

THE CHAIR: All right. Are there further questions of HealthPact?

MR SMYTH: I'd just like to say that I think the objective of establishing the nutrition forum is tremendous. I think that's a great initiative. The other question is: yesterday there was \$200,000 worth of savings through health promotion and Healthy Cities. None of that will come from HealthPact though, will it?

Dr Dugdale: No.

THE CHAIR: All right. Thank you to HealthPact and we move to our last area of examination, which is the Canberra Hospital. So, yes, Mr Rayment, come on down. The simple question I want to open with is this. We've heard some detail from Calvary Hospital about where they see their waiting lists going in the next 12 months. What does Canberra Hospital see its waiting list looking like this time next year?

Mr Rayment: I think it's difficult to be precise. It depends on the extent to which the emergency patients squeeze out our ability to deal with the elective. And generally, like most acute hospitals, we try to do more elective work outside of the winter period when we get more pressure on the critical side. I don't have an answer to that question, other than that we do know that there will be some opportunities to put through some more work in some areas, particularly because, as I said yesterday, we have a shortfall in some of our medical staff, one of whom has returned from an injury and a urologist that's been appointed. We think that we will be able to put through more work in general surgery. But it's difficult for us to predict what that impact will be on the waiting list in the coming year.

THE CHAIR: We've heard that a contributor to the problem at Calvary is the 14-week downtime in the elective surgical area. Is the period during which you expect the elective surgeries to be operating the same this financial year as it was last financial year?

Mr Rayment: I haven't got that information available to compare the two years at this particular time of the year, but generally during this time of year our elective surgery is deferred, apart from elective surgery which is in the more acute phase, or people who had already been deferred before.

THE CHAIR: What I mean is: is your period of deferral, though—the period when you sort of say we're pushing this off to one side—longer than in previous years or is it about the same?

Mr Rayment: I think it's comparable, although I'm getting some statistics through recently to say that we've struck bed-block more this year than we've had before, and I'm looking into those statistics. I've only just received them.

THE CHAIR: Do you have any strategies in place or being developed to increase throughput through the use of rostering arrangements, better use of theatres and so on? I've heard criticisms, for example, that times are set aside for theatre operations and blocks of time are put aside but there are no arrangements for backfilling in the event of operations not proceeding. If the whole time can't be used, it's not reallocated, the time is sort of put aside; I mean, nurses' hours aren't redirected to other times when they need extra capacity. That sort of criticism was made. Are there any reforms being planned in that area?

Mr Rayment: I've just noticed to my right that Gordon Lee Koo has changed.

MR SMYTH: He certainly has.

Mr Rayment: Kimberley Pierce, who's the head of our surgical management team, could probably explain the plans for peri-operative and other ways in which we may be able to address that question.

Ms Pierce: There is no doubt that within our operating theatre there has been capacity to improve how we do things. The peri-operative unit, as you know, has undergone extensive refurbishment; we're in the middle of a refurbishment project. Within that, there's a 23-hour unit planned to be in operation, and there's no doubt that we can utilise that a lot more effectively for certain surgical specialities.

With the rostering arrangements, we're still probably encumbered by the nursing EBA in that the nurses are only able to do eight-hour shifts, and for us to gain more flexibility we would require more flexibility within that, which we don't have. One of the initiatives that we've undertaken is that we are now working through lunch breaks, which previously we didn't, and that again was an industrial issue. But we've changed some of the rostering arrangements so that nurses undertake staggered shifts. We have nine theatres. We probably only really operate to eight-theatre capacity, but that is so that we can make more efficient use of those eight theatres with the nurses that we have available.

We do reallocate our theatres out now. We've changed the way that we schedule our theatres so that, instead of scheduling only two weeks in advance, we do it four weeks in advance, and we're about to take that to six weeks. This allows us, for surgeons' leave et cetera, instead of having theatres that are idle, they're reallocated out to other specialities and usually specialities where the waiting list is a problem—they get first pick of those theatres.

Mr Rayment: And just to add a little bit more to that, Dr Wayne Ramsey informed me yesterday that he's arranging a workshop for next week to see if he could improve further the discharge practices at our hospital to make sure that, when people are ready to go, they go.

THE CHAIR: I've heard it said, as Ms Pierce has indicated—I've heard it said many times—that a key problem is the eight-hour roster arrangement with nursing. I realise we've only just concluded an EBA with the nurses, but is this issue of the eight-hour roster—triple-eight roster, I think it's called—a matter that the government is prepared to negotiate with the nurses, to see whether more flexibility can be attained?

Mr Stanhope: You are right, Mr Chair, that we have just finished a round of EBA negotiations, and it was a difficult and at times testing negotiation, as you will recall. Certainly, the roster is an issue that I have no doubt that hospital management would raise on a regular basis with nurses and the nurses' representatives. I think it's not so much a question of my preparedness to negotiate with the ANF or the nurses on that, but the capacity and the will of hospital management to do so.

MR SMYTH: Well, it does beg the question: in your negotiations with the nurses that has resulted in the current EBA, did you ask for the flexibility so that we could have increased capacity in the surgical wards?

Mr Stanhope: I'm not wishing to not answer the question, Mr Smyth. I'll actually ask Mr Rayment to answer it. In relation to the EBA negotiations, I didn't negotiate with the nurses. I have a firm view and policy, as I think perhaps all ministers certainly should—of all governments—to not become involved in the detail of negotiations.

THE CHAIR: Didn't you urge Mr Moore to get involved in negotiations?

Mr Stanhope: I certainly didn't raise—

MR SMYTH: I thought I saw a brochure saying you'd solved the problem, but okay, we'll now have it from Mr Rayment.

Mr Stanhope: I certainly didn't—I provided an environment, Mr Smyth, and I left the negotiations to Mr Rayment and his team, and Mr Rayment gets paid more than me. And I'd be happy for Mr Rayment to actually to give you the detail of the range of issues that perhaps were raised that may not have been resolved, but certainly remain live issues.

Mr Rayment: I think you're aware that the negotiations were fairly long and protracted in relation to triple-eight roster patterns. They seem to be the norm throughout the country. I think the main thing is to try and get some more flexibility in the system, and to do that, I think, to reach a stage where the nurses are prepared to go that bit of extra towards providing a service that we consider jointly is what the community need, we have to try and build up some trust and work with them to do that. Because there's a shortage of nurses, it makes it difficult sometimes to successfully negotiate in that climate. I mean, I was sitting across the table to try and draw these negotiations to a conclusion, I think up to about midnight on Christmas Eve, I think I recall, or close to it. But having other nurses that are casuals coming into the system would help us—if we had a casual pool to pick up some of that—but it's fairly complex in trying to reach an agreement of that nature. It was complex at that time. But we haven't given up in trying to improve the service.

MR SMYTH: So the current EBA really hasn't reaped any benefits for the operation of the surgical theatres?

Mr Stanhope: Well, the current EBA resolved a difficult and protracted industrial situation and dispute.

MR SMYTH: That wasn't the question I asked. Be straight with the answer, which was no.

Mr Stanhope: Well, the question and the answer need some explication or some expansion, Mr Smyth.

MR SMYTH: I'm happy with the question and I've got the answer.

Mr Stanhope: Well, it's extremely simplistic—if you want a simplistic question with a simplistic response. An institution bedevilled by industrial disharmony is not going to produce the results that you want from the system. The fact that there is now a level of industrial harmony with the nursing workers at the Canberra Hospital is good for the productivity of the institution, let me assure you.

MR SMYTH: We'll see.

THE CHAIR: I recall that in earlier negotiations with nurses when I was health minister they were very anxious to involve the government. They wanted the government to be involved; they wanted the minister to be involved, because they wanted certain things ruled out, like triple-eight being touched on in negotiations. So I'd be surprised if you hadn't been similarly approached by the nurses union.

Mr Stanhope: Yes, don't misunderstand me. I was approached by the ANF in relation to these negotiations, with a view to becoming involved in the details of the negotiations, and I declined. I advised the ANF that I would not become involved in the detail of negotiations, the negotiations were a matter for management of the Canberra Hospital and that Mr Rayment would negotiate. I entered into no negotiations or discussions on the details of the agreement.

MR SMYTH: And gave no riding instructions?

Mr Stanhope: I gave no specific instructions to Mr Rayment that I can recall, other than a desire to see the—I would perhaps have to check that, Mr Smyth, I don't believe I gave—

MR SMYTH: Perhaps you could check and come back and tell us.

Mr Stanhope: Certainly, but I guess I need some definition of riding instructions. I had discussions with Mr Rayment, in which I certainly expressed my desire to see the EBA dispute resolved, as expeditiously as possible, but I certainly didn't say to Mr Rayment, "Agree to this clause, don't negotiate on that clause, give a bit here, take a bit there". I entered into no detailed discussion with Mr Rayment about any of the matters within the EBA. But I certainly had broad discussions with Mr Rayment.

THE CHAIR: Just going back to waiting lists, Dr Ramsey was quoted in the *Canberra Times* a couple of weeks back saying that the reduction in elective surgery available at Calvary would push up the waiting times and the waiting lists at Canberra Hospital, and there was some discussion about that the other day when we talked about this yesterday.

Mr Stanhope: It seems longer, doesn't it?

THE CHAIR: It does seem longer, doesn't it. I'm just curious. He was quoted as saying in the *Canberra Times* that he was sure that the waiting list would go up as a result of what was happening in Calvary. You don't seem to be quite so sure about where the movement is going to be in waiting lists. Would you agree with him that they're likely to be going up in the space of the next year?

Mr Rayment: Well, those doctors that have contracts both at Calvary and at the Canberra Hospital, then if they cease their contractual arrangement for public patients at the Calvary Hospital, then it's going to move across; it's likely that they will move across to our hospital.

THE CHAIR: Yes, I understand that, but that's not the question I was asking. Are waiting lists going to go up as a result of that?

Mr Rayment: I think every hospital has a period of time when it ceases or slows down the amount of elective work, depending upon the amount of trauma work they're getting. I mean, I don't know from Calvary's record the extent to which that has happened in previous years to be able to answer that question.

THE CHAIR: I will just quote what was said in the *Canberra Times*, again quoting Dr Ramsey. This time it was about the emergency department.

Clinical deputy chief executive Dr Wayne Ramsey said late yesterday patients should expect long delays in the emergency department.

All people presenting at emergency will be medically assessed and prioritised in the usual manner but the wait will be extended.

So if you are coming to the hospital be aware that you will be faced with very long delays unless you are seriously ill. Patients who had accidents on the snowfields and roads over the weekend had pushed the hospital's service "over the edge".

Is that problem any more acute than the previous years, or is that just a description of the usual winter trauma?

Mr Rayment: I can recall since I've been at the hospital similar pressures occurring. As I've said, I've had some information that's been recently sent to me which is alleging that the frequency of this problem has increased. But I haven't had the opportunity yet to check that. It's only recently been provided.

Dr Gregory: Can I perhaps add to that that one of my staff had cause to check the *Canberra Times* from a year ago recently for some other reason, and the combination of articles that she pulled out from the *Canberra Times* a year ago would suggest that this is par for the course.

THE CHAIR: Mind you, that generated comments that these things wouldn't be quite so common under a new government, I seem to recall.

Mr Stanhope: Mr Chair, I at no stage suggested that the skill of those that address the ski fields would improve over the year. I never suggested that.

THE CHAIR: I see.

MR SMYTH: So at this stage you can't tell us whether the Canberra Hospital waiting lists are going up or going down?

Mr Rayment: Well, Kimberley Pierce may have a view on that, as she's closer to it than I am.

Ms Pierce: I believe they'll go up.

MR SMYTH: You believe they'll go up?

Ms Pierce: Yes. There is no doubt that some of the surgeons that are no longer going to have operating time at Calvary will need to move their patients to another public hospital, which will be TCH.

THE CHAIR: Yes. All right. Is the gastroenteritis epidemic that we were facing about a month ago, or in fact earlier this month, still having an impact on the operations of the hospital or has that, excuse the expression, worked its way through the system?

Mr Rayment: I think it's worked its way through the system. And I'm not aware of it still being in the hospital. I think it was there and then left, we're pleased to say.

MRS DUNNE: So there are no blockages as a result of that?

Mr Rayment: No.

MR SMYTH: May I just ask Ms Pierce one last question. Is there any indication of what the list might be? Mr Cusack yesterday was able to tell us quite clearly that his expectation was that the list at Calvary would go from 1,300 to 2,200. Do you have any indication of what the list at TCH might do?

Ms Pierce: No, I don't. At this stage, the amount of patients that will be transferred is not clear.

MR SMYTH: Not known. Okay. I have a question for Mr Lee Koo, given his knowledge of the papers, if he may—or Mr Rayment might like to answer it. On the user charges on either page 253 on Budget Paper No 4 or 269 on the revised paper, it claims that there's an 11 per cent increase in the user charges given from the government to the hospital. It's gone from 220 to 245. Isn't it true that that 11 per cent is because you've taken the injection for operating requirements further down the sheet and just lumbered it up? Isn't the real growth in the hospital funding 6.8 per cent this year?

Mr Lee Koo: It's true in that it shows in the footnotes that the former operating injection, which was \$11.506 million in 2002-03, forms part of user charges; it's not a separate payment. I think you're talking about the growth between actual last year and budget this year that the government's providing to the hospital, which is in the order of \$12.9 million. That is, it's going from \$231.58 million to \$244.52 million. That's from the health portfolio. We also get minor funds from Justice for ambulance services from Community Care. So that's a growth of \$12.94 million or 5.6 per cent on last year's estimated payments.

MR SMYTH: Okay, so it's gone up 5.6 per cent.

Mr Lee Koo: Yes.

MR SMYTH: Dr Gregory said yesterday that the growth in the need of hospitals is about 2½ per cent per annum. Yet in the out-years here, we only see growth of about 0.5 per cent and 1.7 per cent. On the current funding, as outlined in this budget, is the hospital's operation sustainable into the future?

Dr Gregory: Can I answer that question first off to say that the growth funding that I referred to yesterday is not distributed to either hospital or community care or mental health services at this stage. As we said yesterday, decisions are taken on a year-by-year basis as to where the growth needs to be targeted in order to ensure that we get the best value for that money. So it's not, at this stage, factored into those forward estimates, the growth figures.

MR SMYTH: Where would I find the growth funding in this budget? I mean, if it's not being distributed, it must be sitting in a line somewhere that says "Growth funding" perhaps. I don't see it. I checked on this. I think it was in the 2000-01 budget when we first put in the growth funding and were pilloried by the previous opposition for having this unallocated fund. Mr Moore assures me that it was all actually allocated. So I'm at a loss as to where I find this growth funding. I'm afraid I can't see it anywhere.

MRS DUNNE: I can't see it either.

Mr Lee Koo: I might just answer a small question about the growth in the out-years. The forward estimates of what the department's paying the Canberra Hospital are largely based on CPI growth—maintaining the dollars in real terms—plus any new initiatives specifically funded that have an out-year effect.

MR SMYTH: But CPI is 3 per cent.

Mr Lee Koo: The CPI growth figure is usually 2.5 per cent of the admin cost and 1.3 per cent for salaries/enterprise bargaining.

MR SMYTH: So when 02-03 goes from \$245 million to \$246 million in 03-04, that's not CPI.

Mr Lee Koo: There may well be one-off funding that is coming off in those years. Some projects have got a limited time. For example, in this financial year we've got \$1.5 million worth of additional capital. Now, if that's not replaced in the next year you'll see a seeming reduction. Between this year and next year, the \$3 million-odd that was provided in the second appropriation, which is year 1 cancer equipment last year, this year surgical instruments, that's non-recurring. The 8.7 drops back to 6, and therefore you'll see a reduction.

MR SMYTH: But is that in the user charges line normally?

Mr Lee Koo: When the department provides us with equipment money it comes through user charges. If government provides us with capital works money it comes through capital injection/capital works.

Dr Gregory: Mr Smyth, can I clarify my earlier statement. Mr Foster advises me that some of the growth funding is already built into those forward estimate lines, and that some is within the general revenue government payment for outputs within the department still and not yet allocated. So it's a mixture.

MR SMYTH: What page would that be on in these statements?

Dr Gregory: Page 156 in the general payment for outputs.

MS DUNDAS: Can you tell us how much has been allocated and how much is still in general revenue?

Dr Gregory: We could do so. I can't off the top of my head. But I guess we have to distinguish between what I was talking about. The 2½ per cent growth, being the expected growth in demand, doesn't necessarily translate into a 2½ per cent growth in finances because there are a whole range of other factors that come into that. And the cost of the output doesn't necessarily reflect the need for a 2½ per cent increase in finance. So you can't really draw the parallel between what we expect in terms of demand to be a 2½ per cent increase. And, as I say, the trends over the last few years have been that the kind of growth that we expect doesn't translate into 2½ per cent financially.

MR SMYTH: I'm not aware of any hospital budget in the country that only goes up half a per cent year from year. In your opinion, on these figures that you have here, that is sustainable into the future to provide a hospital service at the level that Canberrans would expect?

Dr Gregory: Well, I guess what you're saying there is: is the amount that the previous government allocated into the forward estimates for growth over the future years going to be sufficient to sustain the system? And I think that's a debatable point, and I suspect each government as they come to the decision point of the budget for that particular year will make that decision as to whether it is or isn't. What we have achieved from—

MR SMYTH: Well, except if we want to go to the previous government's figures, the money that we allocated has been reallocated. So it's not reasonable to say that these are the previous governments forward estimates now, because they've been modified. There's \$3 million worth of initiatives that have been funded by—

Dr Gregory: But the amount of growth funding that was originally provided in that original decision hasn't changed, and that still flows through those forward estimates. So the amount of growth that's in those forward estimates reflects that original submission that the department was able to gain some agreement for that there would be growth factored in. That doesn't mean to say that in each year's budget each government of the day won't make a decision that there needs to be more funding applied. And, of course, each government would want to leave itself some leeway to provide some good news in each year's budget about increases in funding. But what's in there reflects what we were able to win in the forward estimates and that decision hasn't changed.

MR SMYTH: In the last three years we put approximately a 20 per cent increase—an average of 6.6 per cent increase in hospital funding. I mean, the funding there over the next three years is about half that. I mean, the bulk of it is in this first year. The out-years are quite small. Are you saying that you will be able to maintain the hospital system with this funding?

Dr Gregory: I don't believe that the amount of growth that we won in that original submission will be sufficient for all of the things that each government will want to do. What it does represent is some commitment to growth but, as I say, each government will want to put its own stamp on how much additional funding it's able to provide.

Mr Stanhope: Just as in this budget we did, Mr Smyth, by providing an overall increase in funding to the Canberra Hospital budget to budget of around 12 per cent. That's the decision we took this time around. And there's no reason to think, all things being equal, that we wouldn't demonstrate the same level of commitment in the future.

MR SMYTH: Except you said yesterday there is no more money. You're in deficit next year; you're 12 million in surplus the year after.

Mr Stanhope: Let's see.

MRS DUNNE: But see the thing is, though, that the government user charges in the out-years go up 0.46 per cent, 1.7 per cent and 2.0 per cent. Now that's not growth funding, even if you use the smaller 2.5 per cent.

Dr Gregory: Sorry, which figures are you referring to?

MRS DUNNE: This is user charges. This is ACT government user charges.

Dr Gregory: On page 469, for the Canberra Hospital?

MRS DUNNE: Page 453 of Budget Paper 4—sorry, old Budget Paper 4.

Dr Gregory: Yes. So it's 469. Can I just reiterate again that the bulk of the growth funding is not allocated in those out-years. It is in 2002-03, but in the out-years it's retained within that amount on page 156, which you can see does grow fairly substantially from 2003-04—\$402 million up to \$422 million up to \$438 million in the following year. And the bulk of that growth funding remains to be allocated each year, as I said before, as we become aware of where the particular need to target that growth is. So, no, it's not reflected in the Canberra Hospital's out-years at this point.

So if you were to take the increase—and I can't do the figures off the top of my head, but I'm sure someone can—between \$402 million and \$422 million, there's about \$20 million there and a further \$16 million, not all of which will be growth funding; there will be other things in the forward estimates. But there is a substantial amount in there that's not yet allocated.

Mr Lee Koo: Sorry, I thought you were talking about the Canberra Hospital.

MR SMYTH: Yesterday, you said the growth funding in the out-years was only somewhere between \$7.5 million and \$8 million. How can it be \$20 million and \$16 million today?

Dr Gregory: Because there are a lot of other things in there. And I can table for you, if you would like, the exact amounts of growth funding that are in those out-years, but it is around \$7½ million, \$8 million, each of those years.

MRS DUNNE: Mr Lee Koo, just for the barely initiated, the “User Charges—ACT Government” in the out-years—so for next year, 2003-04, that’s \$246,262,000—are they real-term dollars or are they 2002 dollars?

Mr Lee Koo: They’re the parameters that are used across government and determined by Treasury for CPI growth, which is currently 1.3 per cent for employee expenses and 2.5 for administrative expenses. But the seeming small growth between 02-03 and 03-04 squarely relates to some one-off items in 02-03 which if taken off would show a greater increase. For example, I think the Liberal Party and the Labor Party promised additional dollars for cancer equipment and for surgical instruments for two years, which made \$8.7 million in the second appropriation, but in year 3 that was going to drop back to \$6 million recurrent.

So the figure of \$245,116,000, which is the user charges for 02-03, includes one-off funding of 2.7. Because it’s advanced by the department, it’s not a capital injection, that drops off, so you could take 2.7 off that. Then you’re seeing a growth, effectively, of 242 to 246, which is largely explained by the CPI and the indexation.

MR SMYTH: So the real figure for available use is 242 this year?

MRS DUNNE: Because some of it’s already amortised in terms—

Mr Lee Koo: Well, the 245,116 includes equipment.

MR HARGREAVES: No. You’re not getting any growth funding on top of the 2.7.

MR SMYTH: Well, actually can we go back to the growth funding. Dr Gregory, yesterday I added up the initiatives in Budget Paper 3 and it came to about \$3 million, and you said no, there is growth funding in 02-03 of 7.5, it goes through to the year 05-06 where it will be 8.6, and similar amounts in between. Having identified this line, the growth funding between 02-03 and 03-04 is about 7.5, but between 03-04 and 04-05 it’s now \$20 million. I mean, you told the committee yesterday it was \$8 million.

Dr Gregory: It is, and I’ll table the figures for the breakdown of the growth funding over those future years.

MS DUNDAS: Sorry, it is 8 or it is 20?

Dr Gregory: It’s 7.963. And to clarify between the two sets of figures, the figure for the overall department, the \$20 million, has growth funding plus all the indexation and the other—basically the indexation costs in there as well. But that is only part of the growth. Growth is in relation to the demand that will grow within the population. The price factors are the remainder of that indexation. The growth in response to the population growing and the demands of the ageing of the population are something we separate out from the price factors which are around CPI or the derivatives thereof, and the other need for keeping up with inflation, in a whole range of ways.

To clarify again, whilst in those figures on page 156 the growth funding is built in there, because it's coming from government to the department, we have not for the out-years—that is, for the years 2003-04, 04-05 and 05-06—factored the growth funding in, although, as Gordon explained, the indexation, the price is built in.

MR SMYTH: Indexation for wages et cetera.

Dr Gregory: That is built in, but the growth isn't because we reserve the growth in order to work out at the start of each year where that needs to be targeted in terms of what's been happening within the system—whether it needs to all go to community care one year rather than to the hospitals, because that's where the real growth is—I give that as an extreme example—or just where the growth needs to be spread across both hospitals and within the targets, the particular targeted areas.

MR HARGREAVES: That's the third time. Have you got it yet?

MR SMYTH: Well, Dr Gregory gave—

MR HARGREAVES: I got it the first time. Didn't you?

MR SMYTH: Dr Gregory said there was \$20 million extra, but it wasn't \$20 million extra. There was \$8 million in growth fund and \$12 million in CPI and other charges.

MR HARGREAVES: Yes, but the explanation was straight, and there's going to be a document tabled to tell you where it comes from.

Dr Gregory: And it's growth plus indexation, to treat it differently.

MR SMYTH: Well, you didn't say plus indexation on the first explanation.

MR HARGREAVES: Perhaps you ought to draw it in pictures.

MR SMYTH: Gordon, you've been chattering away there with the keys. Did you want to say something?

Mr Lee Koo: Ms Dundas, can I just say that, when we take out that capital component, the growth in the forward estimates as user charges is about 1.6 per cent per annum, which is broadly consistent with the payroll and the admin expense inflation.

MR SMYTH: But not with the need for increased growth in operations.

Mr Lee Koo: It's a no-change budget, so basically doing what you did last year maintained in dollar terms. If the department decides, during this year, for example, or next year, that it wants to buy more surgery from the hospital, I suspect that there would be a negotiation during the year. Our funding would go up to provide that service, and if that was to be ongoing it would be adjusted in the out-years. The only moneys coming into the budget for 2002-03 for the Canberra Hospital for new service initiatives are those that are described in the budget papers, which include some cancer, some works in midwifery, mental health, some quality projects, totalling about \$2.3 million.

MR SMYTH: So there's no growth in the out-years in the hospital budget; it's just indexation of things like wages et cetera.

Mr Lee Koo: Yes, yes.

MR SMYTH: Well, I'm almost tempted to ask, Mr Chairman, for your quote on the need for 7 per cent every year that was put at us before the last election. But I might leave it there, given the time.

MRS DUNNE: I was actually tempted to say things about transparency, but I should forbear.

THE CHAIR: Let's say something about questions first of all. Further questions, Ms Dundas?

Dr Gregory: Sorry, I was just going to say I'll table these figures for you while we're at it. So that's the growth funding that you asked for yesterday.

MR SMYTH: Have you got all those other charts that you were going to bring?

Dr Gregory: I can also table another response to the timeframes for the consumer projects committee, standards committee, and—gosh we're efficient—the answer to Ms Dundas' question.

MR SMYTH: Before she's asked it.

Dr Gregory: On HealthPact.

MS DUNDAS: That was very quick.

MR HARGREAVES: That was done soon.

MR SMYTH: Will the answers to the other questions that you took on notice yesterday be along shortly?

Dr Gregory: Yes.

MR SMYTH: The waiting list, the accident and emergency figures, the reconciliation of the growth funds?

Mr Stanhope: Yes. Everything will be answered within three days.

MS DUNDAS: This may have been covered yesterday, but I can't remember it. One of the highlights for the Canberra Hospital this year is the expanding of the capacity of the Canberra midwifery program. It's listed as an initiative, stating that the money for it is coming from internal growth funds.

MR HARGREAVES: Is that a joke?

MS DUNDAS: No, that's what it says.

MRS DUNNE: That's what it says.

MS DUNDAS: But my question relates to the funding for the normal maternal health programs, because we had discussion yesterday about the declining birth rate and whether or not there would be a need to perhaps offset the increase in the midwifery program with perhaps a decrease in funding to other birthing programs. I can't remember if it was Calvary who was saying this or whether it was general discussion that there was even talk about needing to—

MR SMYTH: I think Mr Rayment was saying it.

MS DUNDAS: Yes, sorry. He was saying yesterday there was the need to rethink the birthing units that you have because there aren't enough people—

Mr Lee Koo: Can I answer a question and then move on? The \$100,000 you're talking about funded from internal growth funds, that's describing the department's source of funds. The Canberra Hospital has been provided with \$100,000 this year from the department's funds—I suspect from internal growth funds—to provide this service. If you want to know a bit more about the service, I'll ask Rosemary O'Donnell to come in, but we have got the dollars for it.

MS DUNDAS: Yes. I was quoting from Budget Paper 3, which is just an overview. It's not what's written in the Canberra Hospital bit of the budget. I didn't mean to cause confusion or anything like that. But I'm interested in how it's going to measure with what you were saying yesterday about the declining birth rate.

Mr Rayment: Yes. I think Rosemary should come up here and explain that. As I said yesterday, we are very concerned about the declining birth rate in relation to putting accreditation of our obstetrics service at risk.

Ms O'Donnell: I am Rosemary O'Donnell, Director of Women's and Children's Health at the Canberra Hospital. As is rightly said, we have \$100,000 allocated to our Canberra midwifery program, which is one program within the women's and children's health service. And certainly there has been a decline in the births within the whole of the ACT, and public births, and then subsequently births at the Canberra Hospital. But the Canberra midwifery program provides a particular type of service, which is midwifery-led services.

MS DUNDAS: I think it's a great service. I'm not saying that it should go, but in terms of the whole program—

Ms O'Donnell: And I guess the question could be—okay, we've got a decrease in activity across the board, but I guess one of the most important points is that we have a lot of fixed costs, and that we don't have capacity to increase capacity within that birthing unit, the Canberra midwifery program, to be offset by other activity because of the fixed costs of the services that we're providing in the other units within women's and children's health. So the issue is that that \$100,000 is going to enable us to provide more midwifery services, potentially, to those women where we've identified an unmet need within the program—for midwifery services as opposed to mainstream services.

MRS DUNNE: Mr Rayment was saying yesterday that the program was in jeopardy about its registration. I'd like to come back to how that works, but if you're putting more money here, you're actually diverting patients out of this area into this area. Doesn't that actually work against—

Ms O'Donnell: Not necessarily. You're assuming, then, that those who at the moment aren't using the Canberra midwifery program are coming to Canberra Hospital. They could be going to Calvary or from elsewhere. And certainly we're looking at wanting to investigate the promotion of home birth, and those certainly wouldn't be having babies at the Canberra at the moment.

MRS DUNNE: So, in a sense, what you're doing is poaching? We're looking at—

Ms O'Donnell: No, no. Providing a choice for women.

MRS DUNNE: But providing extra services so as to necessarily attract people out of other services. You're not actually proposing an increase in the birth rate by this. There's a finite number of births in the ACT and what you're doing is trying to attract people out of one modality into another?

Ms O'Donnell: Certainly giving them the choice, because there's an identified unmet need for midwifery services, which is identified through the Canberra midwifery program at present.

MS DUNDAS: I don't want to in any way attack the money on the Canberra midwifery program. I think it's a good idea. But is the end result that we're spending more money on obstetrics when there are fewer people having babies?

Ms O'Donnell: Apart from that increase, we're spending the same amount of money that we spent last year.

MS DUNDAS: So yes, we are spending more money on obstetrics than last year?

Ms O'Donnell: If you count that extra hundred, yes.

MS DUNDAS: But we're have actually a decline in birthing.

Ms O'Donnell: Okay. And I guess the issue is that we do have a lot of fixed costs.

MS DUNDAS: Yes, which we were discussing yesterday—that there needs to be a certain number of overheads but we're not meeting demand.

Ms O'Donnell: Okay, could I just relate to the question of the training. The training program is to do with obstetrics and gynaecologists, specialist training. And I guess the economy-of-scale issue is that we have to have obstetric registrars and specialists on call, 24 hours a day, seven days a week whether we have 2,000 births or whether we have 3,000 births. So that's one of the issues. And I guess the issue about losing accreditation is to do with whether or not there's enough activity for the trainees to get the experience

in all the specialities that would allow them to be trained as obstetricians and gynaecologists.

MRS DUNNE: That was my next question. What accreditation is it, and what is it that threatens that accreditation?

Mr Rayment: Numbers. Low numbers.

MRS DUNNE: But sorry, what is it that you've got to be—

Ms O'Donnell: The accreditation is training for obstetric and gynaecology specialists—registrars training.

MRS DUNNE: Okay. I see. So it's not the standard at the hospital or the service provider, okay.

Ms O'Donnell: No, no. We have a training program.

MRS DUNNE: It's the training accreditation.

Ms O'Donnell: And we're accredited as a training program to train registrars.

MRS DUNNE: And they have to observe so many births.

Ms O'Donnell: They have to look at so many, they have to do particular specialties, especially like in gynae-oncology. We have a small percentage of those—and laparoscopic surgery, a whole range of things as well as obstetrics.

MS DUNDAS: Yesterday you said you were having to assess the whole program because of the declining birth rate. And you may have answered this yesterday but I'll ask it again. Do you have a timeframe on when you expect to finish your assessment?

Mr Rayment: I know it sounds like a court case, but I don't recall actually saying that we were assessing it. I certainly said I was concerned.

MS DUNDAS: Well, you said that you were concerned. Okay. Will you be monitoring the situation for the next six months and reassessing the assessment process at the end of that—or is it a 12-month assessment?

Mr Stanhope: This is a major policy issue for the government, I think, Ms Dundas. Mr Rayment has indicated pressures on the continuing viability of two major public maternity services through hospitals in the ACT. With great respect to Mr Rayment, decisions about whether or not a maternity service, particularly that conducted by the Canberra Hospital, will be closed are decisions that I'll take. And at this stage I have no intention of closing the service. I understood Ms Dundas's question to go to the question of whether or not we're reviewing the maternity service provided at the Canberra Hospital perhaps with a view to its closure, and at this stage we're not.

I think Mr Rayment has rightly indicated that there's an issue for the future there. I think it's good; I'm very pleased that Mr Rayment has raised this issue, because it goes to the heart of some of the issues facing us in the future and the need for us to think across the territory in terms of health service delivery. The prospect that's raised for us as a community, with the major maternity service at the Canberra Hospital potentially losing its accreditation, is that we will end up with a single public maternity service run from Calvary.

Now that has some significant planning, policy and other implications for the territory, but it does raise an interesting issue for debate; namely, the efficiencies that can potentially be gained through that cross-territory cooperation and cross-territory or cross-hospital rationalisation service delivery. But I just need to put on the record that Mr Rayment has raised the issue, but the government is not at this stage looking at the prospect of reviewing the potential—I just don't want to get hares running. I don't want a headline, "Government thinking of closing maternity at Canberra Hospital".

MS DUNDAS: I'm actually interested.

Mr Stanhope: Actually, I'm interested, too. It's a very interesting subject for discussion, and I'm very pleased that it's out there for discussion, because it goes to the heart of a range of other issues that are important in relation to health service delivery. That's why I'm pleased that we've gone to a different portfolio structure that involves, on a health executive, the chief executive of Calvary and the chief executive of Canberra hospitals, so that we can, I think, better raise and discuss that issue.

There's another similar issue, I think, in relation to pathology services. They're similar issues. But I just wanted to provide some assurance that this is the situation that we will monitor closely, but at this stage the government isn't considering the closure of the maternity service at the Canberra Hospital. But, as Mr Rayment says, if the numbers continue to decline and the accreditation of the service is threatened, then we may be presented with some very difficult choices.

MS DUNDAS: Just to clarify one of those things, the maintenance of the accreditation is actually a policy issue.

Mr Stanhope: It's a numbers issue. It's out of our hands.

Ms O'Donnell: We're certainly negotiating with the college at the moment, because we have had some changes in service delivery because they have written to us questioning some of the experience that some of their trainees are getting, and we are attempting to address that. So it has been threatened at this point but we hope to be able to avert that.

MS DUNDAS: I guess we just have to wait and see whether or not we can maintain accreditation levels.

MRS DUNNE: Is there scope for some sort of cooperation between Canberra and Calvary?

Ms O'Donnell: We already have our registrar training program; the registrars do rotate to Calvary Hospital.

Dr Gregory: But there is a cross-territory maternity services planning group, which will be looking at some of the challenges we face and how best to address them, to ensure that we keep viable maternity services and keep the training program going where we need to, how we need it.

Ms O'Donnell: Can I also just comment on the role of the Canberra Hospital. It is a tertiary referral unit and we are part of the New South Wales perinatal services network. So we have a foetal medicine unit, a level 3 neonatal intensive care, that supports the high-risk pregnancies who come from ACT and the region. And I think it's important to note that there's a huge infrastructure that supports that—but also that our average cost weights in obstetrics at TCH have actually gone up, which has reflected the high acuity. With the move of people from the public to the private sector, I guess a lot of the low-risk private work has gone into the private sector and we still maintain the high-risk referrals from the region, from neonatal and in obstetrics.

MS DUNDAS: I have a different question on a different topic. You mentioned the students who come through the hospital and do their internships. It's on a different topic now; I'm just jumping topic, sorry. But students do come through the hospital and do their internship programs. I understand that at some stage there were problems with accommodating those students?

THE CHAIR: Do you mean accommodating them in classes or accommodating them in a place to live?

MS DUNDAS: Accommodating them in space and—

THE CHAIR: To be taught.

MS DUNDAS: No, to live—accommodating them to live.

Mr Lee Koo: Are you talking about residential accommodation?

MS DUNDAS: Yes, I am, and there was space provided for the students at or around the hospital that was perhaps not the best.

Mr Lee Koo: We do provide residential accommodation on campus, and in a few areas off campus, where we have shortages in space for doctors who are rotating through the Canberra Hospital. We are attempting to modernise that accommodation and we had some money in last year's budget to modernise residential accommodation, but I'm not aware of what the issue that you're presenting is, I'm sorry.

MS DUNDAS: I'm just presenting that I've heard some stories of students who went through and stayed at the campus at the hospital, staying in old offices that were being refurbished. And it wasn't necessarily the most adequate of situations for trainee doctors, or for anybody actually.

Mr Rayment: I've had a look at the results of the refurbishment of some of that accommodation, and I must admit I was thinking that I might move in there. It's really nice.

MS DUNDAS: So the refurbishment has now been completed?

Mr Lee Koo: No, that's refurbishing one part of the accommodation. When it comes to spending money at the hospital, we spent it on clinical services, and, if every now and then we can get a job in the capital works program to update some of the residences, we do that. And we got some money in last year. Ted's talking about the nice new stuff that you've seen, and some of the older stuff—I wouldn't like to stay there.

MS DUNDAS: But it's still being used?

Mr Lee Koo: Yes—and has to be.

MS DUNDAS: Do you have a program in place for those situations when you have more students coming through than you can accommodate in—

Mr Lee Koo: Yes, we hire residences off campus.

MS DUNDAS: Such as hotel rooms?

Mr Lee Koo: No, flats.

MS DUNDAS: You just hire flats?

Mr Lee Koo: And I think we've got four flats. That's about it.

MS DUNDAS: And when do you expect the old accommodation on campus, that you yourself said is not of the best standard, will be renovated?

Mr Lee Koo: When we can get some money—when we can see a high priority for that as opposed to other things. I mean, in this current financial year we thought that the refurbishment of the emergency department, the security to the hospital and some works for women's and children's health were priorities. We would have liked to move to upgrade some of the other accommodation. But the priorities didn't allow it this year. We'll put business cases up for next year's capital works program, and if it's got a high enough priority it will get up.

MRS DUNNE: I've got a question about the cancer services—and there are radiotherapy support services to be funded from internal growth funds.

MR HARGREAVES: Without smiling.

MRS DUNNE: Well, actually, I thought that, if anything was appropriate to fund with the internal growth fund, it was oncology services.

MR HARGREAVES: Yes, indeed.

MRS DUNNE: I've been doing this too long. When I first became aware of this issue, which is probably a year or 18 months ago, one of the problems with radio-oncology services was that there weren't enough actual practitioners. There weren't enough radio-

oncologists and there weren't enough nurses, and the nurses we had were doing their backs in because they didn't have appropriate lifting equipment and stuff like that. In some sense, you can always throw money at the problem, but have we actually addressed the staffing problem which seemed to be the root of the problem?

Mr Lee Koo: It was discussed yesterday about some of the measures that we've put into place in terms of new equipment which will obviate the need for people to lift very heavy weights when they're using the linear accelerators.

MRS DUNNE: Sorry, I must have been asleep.

Dr Gregory: And I think Joanna Holt spoke at some length about the radiotherapists—

MR HARGREAVES: Yes, there's quite a deal of stuff in the *Hansard* about that.

MRS DUNNE: Sorry. Okay, I'll go back to sleep. Sorry about that.

MR SMYTH: Yes, machines that go ping.

MRS DUNNE: Lots of machines that go ping.

Mr Lee Koo: Very expensive machines that go ping.

MRS DUNNE: So yesterday we addressed the issue of whether or not we have enough oncology staff?

Dr Gregory: Yes.

Mr Lee Koo: Yes.

MRS DUNNE: Okay. And do we, sorry?

Dr Gregory: We're working on it.

MRS DUNNE: There's a strategy in place?

Dr Gregory: There's a strategy in place.

MRS DUNNE: An innovative strategy?

Dr Gregory: Absolutely.

MR HARGREAVES: How about a cunning plan?

Dr Gregory: Backed with money.

MRS DUNNE: I think a cunning plan is more what's needed than an innovative strategy.

Mr Stanhope: It is accompanied by some praying.

MRS DUNNE: I'll lend you my rosary beads then, shall I, Chief Minister?

Mr Stanhope : Yes, there's a role for all of us.

THE CHAIR: Talking of cunning plans, could I ask what the hospital is doing about unplanned readmissions. This is one of the criteria seized upon in the past to demonstrate that there was a problem with our hospital. What's happening now to ensure that it's less of a problem?

MR HARGREAVES: Is it that the ongoing quality assurance programs within the hospital are intended to address just that?

Mr Rayment : Yes, I was going to say in that context that we have put a lot of attention into our quality and safety program. And we have a number of indicators that we look at on a regular basis and see whether we are trending in the right direction or what is happening. And unplanned readmissions is one of those. Mr Lee Koo has just picked up that particular quality measure. As to what we're doing about it, we look at it and make sure we're within the tolerance of the benchmark.

Dr Gregory : While Mr Lee Koo is looking at that, on page 157 of the new Budget Paper No 4 we record across the system under quality and effectiveness. We record there that the target for last financial year was 3.4 per cent, and that the estimated outcome was 2.9 per cent, and Mr Lee Koo I think has more detailed figures on that. But it is well below the target, which means we're doing particularly well, and I think—

THE CHAIR: Well, better than your target. But the point was that these results were worse than the national average. This was pointed to as evidence that the hospital was in some sort of problem. So what I'm asking is: what are you doing about it?

Dr Gregory : Well, we're clearly improving it because we're well below where we hoped that we would be. So we're clearly improving it.

Mr Lee Koo: Sorry, where do we derive the fact that we're doing worse than the national average?

THE CHAIR: Well, that was an extrapolation from the national health care standards report. Ask the minister about it, because he was the one making the point that our results were worse than the national average.

MRS DUNNE: So, rather than the target, what is the national standard?

Dr Gregory : I don't have the national standard. We can take that on notice and provide that to you.

THE CHAIR: I'm just assuming that, because your minister made a great issue of it, you've now got some project or program to deal with unplanned admissions. I've yet to hear what it is.

MR HARGREAVES: We have. It's called a change of government.

THE CHAIR: That doesn't magically cause a change in unplanned admissions.

MR HARGREAVES: Well, of course it did; it's worked.

Dr Gregory: The clinical governance arrangements within both hospitals do.

Mr Lee Koo: Could I just say, for the Canberra Hospital at least, that the national target we were talking about—it's not a national target, sorry. The national average is 3 per cent and Canberra Hospital for the month of May was 2.82 per cent, and the previous month it was 2.48 per cent. But we have been as high as 3.4 per cent on a monthly basis. If you look at the average, we've been below 3 per cent.

Dr Gregory: And across the board the estimated outcome for last year is 2.9 per cent. So, from a range of measures that are taking place within each hospital, there is a lot more emphasis being put on unplanned readmissions.

THE CHAIR: A lot more emphasis on—okay.

Dr Gregory: Well, it's obviously working.

THE CHAIR: Not very specific, but I suppose I have to comfort myself with that. All right. Are there further questions about the Canberra Hospital. No? I have a couple of general questions which you can take on notice if you haven't got the appropriate people here. First of all, on the health summit outcomes, we saw the minutes of the health summit and I think an issues paper or something arising out of the health summit. What's the next stage? Are there any further decisions that flow from that that we're to be apprised of?

Mr Stanhope: Dr Gregory did touch on this yesterday, Mr Chair, but I'm happy to ask Dr Gregory to reiterate the proposals in relation to that.

Dr Gregory: The outcome of the health summit was published, and the commitment from that was that the outcomes of that summit, together with the outcomes of the Reid review, would form the health action plan, which we would take out for consultation. The government is about to release the draft of that health action plan—I believe that will probably be next week—for consultation, and then there'll be a series of probably four public meetings across the territory for consumers, community members, and clinicians to consider that plan as a way of taking forward, through the term of the government, what came out of the health summit.

THE CHAIR: The second question was on the publication of Calvary's waiting lists. I understand the government is not presently publishing those lists.

Dr Gregory: The government normally publishes combined waiting lists for the public system as a whole. Calvary itself produces its own information. We certainly do make available to the Legislative Assembly across-the-board information; it's not necessarily broken down by hospital.

MR SMYTH: It's actually provided to the library. We used to table it in the Assembly, and the question would be, Chief Minister, would you start tabling it monthly?

Dr Gregory: It is, on a quarterly basis.

Mr Stanhope: The quarterly report is tabled and a monthly activity statement is provided to the library.

MR SMYTH: Would you table it monthly, Chief Minister? It's not an unreasonable request and it's not a hard thing to do.

Mr Stanhope: The library is an additional floor up, is it, Mr Smyth?

MR SMYTH: Well, oddly enough, your party raised this issue when it was in opposition about access to data, and we had to force the Health Minister, Mr Berry, back in the early 1990s to table this material. I don't see the dilemma in not tabling it.

Mr Stanhope: Well, we can have that debate, I guess, Mr Smyth, but the information is made available. It's provided to the library every month in exactly the same way. The information that is currently provided—albeit on a monthly basis to the library and not tabled—is, as I understand it, exactly the same information that's traditionally been provided for—

MR SMYTH: Yes, except it's not tabled, and you promised to be honest, open and transparent. Surely tabling it in the Assembly would be a confirmation of that promise.

Mr Stanhope: Well, I won't pursue the issue, Mr Smyth.

MR SMYTH: I'm sure you don't want to pursue the issue, Chief Minister.

Mr Stanhope: Providing information on the web and in the library seems to me to be open and transparent. I think it's probably more available and more easily accessible than having it dropped in the Assembly. But I know it's a major issue for you, Mr Smyth.

THE CHAIR: All right. And, thirdly, I see that there's an initiative to fund a million dollars worth of new respite care. I can only find in the papers 54 extra bed nights in aged respite care and 14 in disability services. Could someone provide, perhaps on notice, how many bed nights and where those bed nights are bought with that million dollars?

Dr Gregory: We'd be happy to do that at the time that those decisions are made. But, as I explained yesterday, there's a needs analysis to be finalised first as to whether it's in the disability area, the mental health area or aged care area, and whether it's institution-based or home-based respite that we're looking at. And the allocations won't be made, and the amounts added in in terms of targets, until that is finalised. So it will be a couple of months away.

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Mr Stanhope: Before we conclude, Mr Chair. Yesterday in answer to a question in relation to Winnunga Nimmityjah I advised the committee that I'd written to Senator Kay Patterson about the prospect of cooperation on future arrangements. There have been discussions but I haven't written to Senator Patterson, so I correct the record in relation to that.

Dr Gregory: Could we also table the answers to two questions. One's the allocation of the growth funding, and the second is the hepatitis C financial assistance arrangements.

Mr Stanhope: The Canberra Hospital would like to table some information in relation to division of expenditure in relation to the hospital.

THE CHAIR: Well, I think that that concludes our public hearings. Thank you, Minister, for being here today, and to your officers, who have been here for two days now. Thank you very much. The committee will move its usual motion.

Resolved:

That—

the committee receive the documents presented so far this day and that, pursuant to standing order 243, the oral evidence and documents received at the public hearing so far this day be authorised for publication;

the following responses to questions that were taken on notice be received, and, pursuant to standing order 243, be authorised for publication in accordance with the attached list; and

the answers to questions taken on notice to the Minister for Education, Youth and Family Services, pursuant to standing order 243, be authorised for publication.

The committee adjourned at 6.18 pm.