

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

SELECT COMMITTEE ON PRIVILEGES

Members:

**MS R DUNDAS (The Chair)
MR B STEFANIAK (The Deputy Chair)
MR T QUINLAN**

TRANSCRIPT OF EVIDENCE

CANBERRA

TUESDAY, 30 SEPTEMBER 2003

**Secretary to the committee:
Mr J Pender (Ph: 6205 0127)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents relevant to this inquiry which have been authorised for publication by the committee may be obtained from the committee office of the Legislative Assembly (Ph: 6205 0127).

The committee met at 2.36 pm.

ANTHONY KENNETH SHERBON,

SIMON JOEL TATZ and

SEBASTIAN PASCAL ROSENBERG

were called.

THE CHAIR: All right, we will get started. I have to read this at the beginning of every public hearing. Welcome to our public hearing and thank you for coming. 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 that you are protected from certain legal action such as being sued for defamation for what you say at this public hearing. It also means that 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.

We are here today to investigate a number of things, but specifically the creation and distribution of the document known as the budget estimates 2003 document prepared by persons within ACT Health. We may ask questions relating to estimates.

We understand, Dr Sherbon, that you weren't the CEO at the time.

Dr Sherbon: That is correct.

THE CHAIR: But we will ask those questions anyway. The first time you start talking, if you could introduce yourself, state your name and the capacity in which you appear in front of this committee, so Hansard has it on record. The first question to ask, then, if that is all understandable, is: do you have an opening statement you would like to make on any of the matters before us?

Dr Sherbon: I do, with your indulgence.

THE CHAIR: Just introduce yourself please, Doctor.

Dr Sherbon: Anthony Kenneth Sherbon, CEO, ACT Health. With your indulgence, Chair, I will just take three or four minutes to give a short statement.

THE CHAIR: Please.

Dr Sherbon: On behalf of the department of health, I wish to make clear to this committee that the matters on which you are about to deliberate were taken very seriously by myself upon my appointment on 2 June 2003. I might say I have worked closely with the two officers concerned to deal with the matter appropriately in our department.

I have received a report from a Mr Michael Zissler who investigated the matter on behalf of both myself and the acting CEO at the time, Dr Max Alexander. If I could just recount some highlights of his report.

On 9 May 2003, a meeting was called by the then acting CEO, Dr Max Alexander, to prepare himself and others, being new officers of the department, for Estimates Committee hearings scheduled for 22 May 2003. A range of potential issues were discussed. The meeting broke up without any formal decision being made or any direction given to officers.

But Mr Tatz, as the acting manager of communications and marketing at that time, did offer to prepare notes from the meeting. They were then distributed by email by Mr Tatz on 12 May 2003 and forwarded by e-mail to Mr Rosenberg, at that time as the director of executive coordination of the department. The email was then forwarded to 29 people on that day, 12 May 2003.

As you are aware, on 19 May 2003 the material in the email was distributed in hard copy by the Leader of the Opposition. The acting CEO, I understand, Dr Alexander, apologised to the Estimates Committee on 22 May 2003. I wish to reiterate that the department of health offers an unequivocal apology to the Assembly via this committee. We do take the matter seriously and we are concerned about the matters involved in the email. We understand that Assembly members will be greatly concerned about the content in some regards.

Mr Michael Zissler was commissioned by the acting CEO on 22 May 2003 to investigate the distribution of the email. I widened his terms of reference on 17 June 2003, with the following terms of reference:

- (1) to provide an account of the circumstances that led to the formulation of the email, transmitted at 11.27 am on 12 May 2003, from the manager of communications and marketing to the manager of executive coordination;
- (2) to determine exact instructions provided to the manager of communications and marketing that led this officer to issue this email;
- (3) to review the conduct of officers involved with reference to the Public Sector Management Act;
- (4) to make recommendations as to whether disciplinary action against such officers is appropriate;
- (5) to make recommendations on the appropriate method of educating the portfolio executive on appropriate senior executive support to Assembly committees; and
- (6) to make recommendations to the management of confidential information within the department in collaboration with the Chief Information Officer.

Mr Zissler completed his investigation with reference to the Public Sector Management Act 1994, part 2, division 2.1, sections 6 to 9, which you probably don't have in front of you. Essentially, those sections deal with the values and general principles of public administration that the territory has endorsed. The two officers were very kind in responding to Mr Zissler and assisting him in the investigation.

I received a report on 22 July 2003 which recounted the events I have just walked you through, indicating that there was no specific instruction to the acting manager of communications and marketing to compile such email advice and also comparing the behaviour of the two officers with the Public Sector Management Act.

Both officers, as a result of that report, were formally admonished by me and the admonishment recorded on their file. I have indicated to both officers that, should they be in the ACT public service in 12 months time, I will be happy to review that admonishment, but it remains on their file as a formal disciplinary matter.

Just to round out the issue: I also wish to inform this committee that the portfolio executive, which is the executive leadership team with the ACT health department, undertook training and leadership in integrity on 4 and 5 September. We undertook a full-day session on the appropriate behaviour of public sector leaders and also we received a presentation from Mark McRae, whom you'll be familiar with as a former clerk of the Assembly—a one-hour presentation on appropriate committee preparation, behaviour and service from the department. We received that presentation on 24 September 2003.

We have also made sure that the department has a policy for the management of confidential information within the department.

So what I submit to you as a committee is that two officers have erred. I think you will hear, as I have heard through my own investigations, that these officers are contrite about that matter, that they have responded cooperatively to an investigation, assisted me in arranging appropriate training for themselves and others, and that the matter has been dealt with through discipline in the department and appropriate disciplinary action taken.

In my view, this is clearly a matter that the committee may wish to review, but can I also point out that both officers provide very high-level service to ACT Health; they have been in both the federal and territory governments; both are experienced in appropriate public sector behaviour; and they have provided long and very dedicated service, despite their youthful appearance, to both the territory and the federal governments over many years.

I took that into account when I evaluated the matter and decided the appropriate discipline response. Given their experience, their dedicated and unblemished service, I believed that they were sufficiently dealt with by an admonishment within the department and would submit to you that the officers will demonstrate to you that they are contrite about this matter and have been subject to appropriate discipline.

MR QUINLAN: Can I just ask one question then. Having conducted the training, is that virtually diarised so that it will be a cyclic process rather than just a reaction to an incident and then—

Dr Sherbon: No, it is part of an ongoing program, Mr Quinlan, through you, Chair. It is an ongoing program of senior leadership development, and the values base of the territory as expressed through the Public Sector Management Act is a key component of that. Yes, it will be an ongoing program.

MR QUINLAN: Thank you.

MR STEFANIAK: I take it you are fairly new to the job, but in terms of the department preparing for estimates before, is this the first and only time, to your knowledge, that a document like that had actually been prepared? Did you actually look at what had occurred in terms of officers preparing for estimates in years gone by?

Dr Sherbon: I haven't been in detail, through you, Chair, through the previous years briefings or arrangements. Suffice it to say I was sufficiently unimpressed by the document that you have in front of you to accept simply that it is an unacceptable document to exist within a public sector organisation. No, I haven't been over previous arrangements, but I am aware that briefing notes have been prepared in the past but not to this tone.

MR STEFANIAK: When you say "briefing notes" that is normally just more factual information in relation to certain areas?

Dr Sherbon: Exactly.

MR STEFANIAK: To your knowledge, this is the first and only time that something like this was actually done?

Dr Sherbon: To my knowledge. I have not been privy, through you, Chair, to the deliberations of previous administrations. The investigation I commissioned simply focused on this issue alone.

THE CHAIR: Would we be able to have a copy of the investigation report?

Dr Sherbon: Yes, most certainly. I did note that the committee had requested documents in the past relating to the process of generation of the email, which we supplied, and this post-dated that request. So we are more than happy to provide that should you wish.

THE CHAIR: Yes, I think that would be a good overview of what it is we are talking about.

MR STEFANIAK: Just one quick procedural thing. I am uncertain as to the answer to this. I just ask it. How do we proceed from here? We have all three gentlemen at the table together. In some tribunals you have one person at a time, and the other ones stay outside or sit in the back. Is there any set format for this type of proceeding that we should be following? I know we are not a court of law. Once a witness finishes, they sit at the back. The other ones are outside so people can't hear each other's evidence. I just ask through you, Madam Chair, whether there is any set procedure we should be following and whether it is acceptable for these three gentlemen to be at the table together.

THE CHAIR: I think, as we are just doing a standard public hearing, there is no problem with having all the officials forward at once. If we direct questions to each of you individually we would like an individual response. I think that you are well aware of that. If you want to change the format we can further down the track, but I think it is better having them all up here at once.

MR STEFANIAK: I don't have a firm view. I was more interested to see if there was any precedent, any procedure we should be following, for matters such as this because we don't normally have committee hearings such as this.

MR QUINLAN: We decided, Bill, on your vote that we would have a public hearing.

MR STEFANIAK: We did. That is right, but it is just the format.

THE CHAIR: We will get on with the investigation. We will get a copy of that.

Dr Sherbon: With your permission, I will submit it to Mr Pender now if that is appropriate.

THE CHAIR: Yes, thank you. We will have a read through it. You mentioned that the report found that there was no instruction to compile the advice, that this is something that, Mr Tatz, you did as a record of the meeting.

Mr Tatz: Chair, can I make a short opening statement?

THE CHAIR: Sure, I am sorry, please do.

Mr Tatz: Firstly, Chair, thank you for the opportunity to make a statement regarding this matter. I firstly would like to assure this committee and the ACT Legislative Assembly of my most sincere and genuine apologies for my actions, which I will briefly describe.

On 9 May I was invited to attend an informal meeting to discuss the forthcoming ACT Legislative Assembly estimates hearing, in attendance with some members of the ACT Health executive. During this meeting I offered to take notes of some of the issues that arose, and that offer was accepted.

The meeting discussed important issues relating to the estimates process. While the meeting discussed these matters in a sombre manner, it was occasionally familiar in nature and some of the comments reflected that. I noted some of these comments.

Following the meeting I wrote a one-page document. While most of the material included in this one-pager was designed to be helpful, some of what I wrote was flippant and glib and did not accurately represent the context or circumstances of the meeting. I forwarded this document to Mr Rosenberg in executive coordination by email. The document was not authorised by anyone in ACT Health, nor did I show it to anyone before I forwarded it.

I did note in the email that the document reflected some of what was said at the meeting, but I failed to make it explicit that it did not accurately represent what transpired at the meeting nor that I had adopted a frivolous approach. I did not prepare the document with the expectation that it would be broadly distributed.

I accept and acknowledge that my actions were naïve and ill considered. I now understand the implications of my actions and how this document could be misconstrued

or misused. I further recognise that I made an error of judgment and can assure you that I well and truly understand the consequence of my actions.

It was never my intention that the document in question be used in any way to undermine the estimates process or to be contemptuous of the ACT Legislative Assembly. I fundamentally respect the role of the estimates process in the Legislative Assembly and can assure you that there was never any intention or meaning to undermine either institution.

This matter has caused me considerable professional and personal angst. I have learnt an extremely valuable lesson about diligence and due care and, with the guide of appropriate counselling, training and development, I believe I can continue to be a productive and conscientious employee of the ACT public service.

THE CHAIR: Thank you.

Mr Rosenberg: I have a short opening statement as well.

THE CHAIR: Yes, all right. We will get them all out of the way and then we will come back to the questions.

Mr Rosenberg: I am the acting manager of executive coordination. I have worked in the ACT government for seven years. I have fulfilled several roles within the ACT public service and have always strived to provide the highest quality service to the Assembly, its members and its processes.

The fact of this committee is, therefore, a source of deep professional regret and distress to me. I want to place on record my profound regret for the role I have played in giving the Assembly any reason to doubt the veracity or integrity of Health's contribution to the estimates process. I wish to state in the strongest possible terms that there was never any intention on my part or, I believe, anybody else's to impede the proper workings of the Assembly.

The meeting where the estimates memo was developed was originally intended to be a budget meeting but became an informal estimates preparation section. In my experience, such meetings are part of the normal preparation for departments for estimates. The memo was prepared on the initiative of Simon Tatz, acting manager of the communications unit within ACT Health. Nobody specifically or formally asked him to prepare it, and nobody asked me to distribute it.

He forwarded the email to me and I skimmed it before distributing it. The parts of the memo I did read, I thought, were an excellent summary of some parts of the meeting. Lots of documents and emails do come through me, and a large part of my job is to direct material around the health portfolio. But I simply can't read everything in detail. I fully admit, however, particularly as this document pertained to the Assembly, that I should have read it properly and considered it carefully; and I failed to do so.

I am a public servant. I don't claim to be an expert on parliamentary contempt; however, when I skimmed the paper nothing really hit me as being deeply offensive. But, on reflection, I can see how several of the statements made in the memo are clearly

inappropriate, and my failure to make this judgment at the time has caused me considerable distress.

I want to learn from this experience. I do fully understand it to be the clear obligation of public servants to provide full answers and be accountable to the Assembly and its committees. I have been formally counselled and admonished by the Chief Executive of ACT Health, and a record of this matter has been placed on my official personnel file.

I have attended the leadership and integrity seminar organised by the Chief Executive. Also I instigated and organised the specific training for me and ACT Health portfolio executive members on the role of committees, the rights and responsibilities of public servants appearing before committees and matters of privilege in this training. As Dr Sherbon said, it was provided by Mark McRae last Wednesday, 24 September.

In finishing, can I express again my deepest regret for this incident and pledge to do my utmost to ensure that the Assembly never needs to question the integrity of ACT Health and its officials again.

THE CHAIR: Thank you for that statement. We will move now onto the questions. One thing that has just struck me is that you have all noted that there was no authorisation for this document, and then there was no authorisation for distribution. So why was it done on ACT Health letterhead?

Mr Tatz: I take responsibility for that. That logo was the logo that had been designed to be implemented. It wasn't at that stage the official logo, but we simply had it there, and that was a very ill-considered thing to do, to put it on that logo, which at the time was not yet the ACT Health logo.

THE CHAIR: Okay. Sebastian, when you saw the document with the non-official logo on it, did that strike you as odd or—

Mr Rosenberg: To be honest, I looked at it very quickly, and it didn't strike me as being particularly odd.

THE CHAIR: Yes, but now the logo has become the official logo of ACT Health?

Mr Tatz: It has indeed.

THE CHAIR: Okay. Also, you have noted that was an informal meeting and a familiar meeting. We have a list of people to whom, Sebastian, you emailed the document. Was the membership of that meeting the same as that email list?

Mr Rosenberg: That list is my portfolio executive email distribution list, so that is the automatic send button, if you like, for portfolio executive-type matters, and it includes the executives and their admin assistant-type staff who help grease the wheels.

THE CHAIR: So who was at the meeting, then?

Mr Rosenberg: I am struggling. We didn't actually take notes of who attended the meeting. I can think of a few people. The chief finance officer was in attendance.

I believe the person who was then acting as the deputy chief executive was in attendance, Dr Alexander. I can't think of any others.

Mr Tatz: I believe there were about five or six people.

Mr Rosenberg: There were about five or six people.

THE CHAIR: And both of you were in attendance at that meeting?

Mr Rosenberg: Yes.

Mr Tatz: Yes.

MR QUINLAN: So the meeting did, as you said, turn into a discussion about appearing before estimates. I am presuming from what we have read there that it therefore discussed matters like "Don't wax lyrical, just answer the question".

Mr Rosenberg: That is right; it was about being succinct and not being afraid to ask for clarification of questions and that kind of thing, and that seemed reasonable.

MR QUINLAN: And then it wandered off to a couple of defence mechanisms.

Mr Rosenberg: Yes.

MR QUINLAN: Right.

MR STEFANIAK: Firstly, Simon, had you been to any estimates briefings before? Was this your first time in the department or had you been there for a few years?

Mr Tatz: No, this was my first time for Assembly estimates.

MR STEFANIAK: All right. So you were sort of going in cold; you hadn't been to a departmental meeting in either this or any other department in terms of preparing for estimates and tick-tacking with fellow officers as to what occurs, how to answer questions, et cetera?

Mr Tatz: I am familiar with the estimates process from the federal parliament, from the Senate, but not from the ACT.

MR STEFANIAK: How long had you been working in the Senate?

Mr Tatz: Seven years.

MR STEFANIAK: Whom did you work for there?

Mr Tatz: Senator Kate Lundy.

MR STEFANIAK: She, I think, has portfolio responsibilities?

Mr Tatz: Yes.

MR STEFANIAK: She would prepare for estimates, so you were well aware of an estimates process?

Mr Tatz: Yes.

MR QUINLAN: Would you say that the estimates process on the hill is more adversarial than the estimates process here?

Mr Tatz: Having learnt from experience, they are quite different, yes.

MR STEFANIAK: Did anyone ask you to prepare this document?

Mr Tatz: No. Because it was a meeting and things were discussed, I volunteered to take some notes of the meeting, and that was accepted.

MR STEFANIAK: Did you discuss with anyone, after taking notes and before preparing this document, anything in relation to the fact you would prepare a document or did—

Mr Tatz: No, I didn't.

MR STEFANIAK: So you just decided to prepare this document?

Mr Tatz: Yes.

THE CHAIR: On that point, though: you volunteered to take notes of the meeting, and everybody at the meeting obviously then agreed that that was something that should be done. What was the purpose, initially, of taking notes of that meeting? Who were those notes for?

Mr Tatz: The purpose of the meeting was originally, because some of the officers had never attended an estimates, just to make a bit of an outline of how the process would work. The discussion was about the formalities of how an estimates hearing works and things like seeking clarification or not venturing into areas that you may not know about but to provide the answers that the committee required. Most of what was said was a very formal discussion about how the estimates process worked, for those people who were not familiar with it.

THE CHAIR: So the notes were then being taken as a memory jog. That is why I take notes. Was there always an intention that they would be circulated to the people at that meeting, the notes that you were taking?

Mr Tatz: To be honest, because it was an informal meeting and nothing was authorised, when I left the meeting I had assumed that yes, they were looking for just something about what was said at the meeting, but it was not authorised; nor had I shown that to anyone else before I forwarded it.

THE CHAIR: But the idea was that the people who were at the meeting would receive a document at the end of it that reflected, as you say, some of what was discussed.

Mr Tatz: Yes.

THE CHAIR: Okay. So there was always that intention. In terms of some of the particular phrasings that are used, are these phrases that reflect your experience in the Senate or phrases that were used during the meeting, such as “the blame game” as a heading or “don’t embarrass or wax lyrical” or certain phrasings? Where did those phrasings come from?

Mr Tatz: As I said—and I reiterate there was no intent with this chair at all—I flippantly took some of what was said out of context. For instance—and I can’t say this is verbatim what happened—it may have been a light-hearted comment or I may have said, “In some cases this is what people may answer.” But that was not with an intention of that being used. As I have said, with genuine apology, I took these comments and some of what was said out of context, and was wrongly flippant in the document that I wrote. The document that is in front of you is not an accurate representation of the tone or what was fully canvassed at the meeting.

MR STEFANIAK: Is there any part of it that is an accurate representation?

Mr Tatz: Yes, some of it at the start of it was; for instance, just looking at it now—and I haven’t had a chance to look at it for a while—talking about what I knew from estimates, which is to provide the answers in the format that is required; not to embellish or to wax lyrically; to stick to your points; to correct anything that may be misinformation; not to be involved in hypotheticals. These were things that I had seen in other estimates hearings. Much of that document was legitimate, in the sense that these were the kinds of things. Unfortunately not all of it was.

MR STEFANIAK: I suppose things like “take on notice what you can’t” are fair enough, but “or don’t want to answer”, I suppose, is inappropriate, isn’t it?

Mr Tatz: Yes.

MR STEFANIAK: Why did you incorporate those more flippant things?

Mr Tatz: I can only answer, through you, Chair, that I acted naively and didn’t consider the consequence of my actions when I did so, which I well and truly do now.

MR STEFANIAK: Had you been out of Kate Lundy’s office long before you—

Mr Tatz: I actually resigned from Kate Lundy’s office in 2002 and started in February 2003.

MR STEFANIAK: All right. What role did you have in Kate’s office?

Mr Tatz: I was her senior adviser.

THE CHAIR: I am sorry, but to jump back to the meeting: Sebastian, you then took a document that Simon has said was basically being prepared as a memory jog for people

who were at the meeting and circulated it more widely to people who weren't at that meeting. Why did you make that decision?

Mr Rosenberg: I didn't really think about it. It was a busy day, and I had an email distribution list already set up which incorporated those people. So I sent it more broadly. I didn't tailor a distribution list specifically to the list of people who were at that meeting. I didn't think to do so.

THE CHAIR: Okay. So to then move back to the actual document—and Bill was touching on this a little bit—at the time you were preparing the document, did you think in any way of how it would possibly impede on people taking part in the estimates process, especially the phrase that Bill mentioned in terms of “take on notice things you don't want to answer”?

Mr Tatz: To be blunt, until I went to the leadership and ethics forum, I had not considered how this action would have impacted the way it did. Having now gone through that process and others, I genuinely see that now. But at the time, Chair, I did not consider how it could be construed in that way.

MR STEFANIAK: Consider paragraph 11. The “blame game” seems blatantly political in terms of things like suggesting you can blame certain groups of people as a way of answering a question. You did see the error, didn't you?

Mr Tatz: Most definitely.

THE CHAIR: Sorry, Sebastian, were you going to say something on that point?

Mr Rosenberg: No.

THE CHAIR: Okay. In terms of the future then, can you explain to us a little bit more what it is you have picked up at the leadership training initiatives that you have now had to go through and how you feel it has broadened your perspective on how the Assembly works? If it is working in Health, then we might want to share it with some of your other public service departments.

Mr Rosenberg: If I can answer this, please. I found a couple of things very illuminating recently. One of them was spending a little bit of time with Mark McRae. Sorry, just to go back a step: the first thing maybe was that in the course of that leadership integrity seminar, we were visited by Pam Davoren from the Chief Minister's Department who was, I guess, in terms of providing us with a presentation about ACT public sector values and ethical behaviour, providing some very useful information for us and also flagging that that would be part of orientation for executives and others as they join the public service, which is not something that is currently around. It is something which is being developed and I think is really important. So that was an illuminating session in itself.

Then recently spending time with Mark McRae, both leading up to the seminar that we had, the presentation we had as a portfolio executive, and beforehand was also very useful in terms of, I guess, reminding me in particular about the obligations of public servants to committees and the rights and responsibilities that we have as public servants to ensure that Assembly business can proceed unimpeded.

THE CHAIR: And Simon?

Mr Tatz: I have most definitely learnt a lot about professionalism and the way you approach things. When I arrived in the ACT public service, there was not this kind of leadership and integrity forum, or no previous chief executive had taken me aside to explain or give any guidance on the way the public service works. As I have said, what I did, I think, showed a naivety and a lack of understanding of the public service. I sincerely believe I am a lot better officer for having learnt about the proper processes and how things that you may think could be flippant or glib actually can have far more damaging effect to the agency that you work for, and that's a very valuable lesson I have learnt and I believe I have learnt from that.

Mr Rosenberg: I also have to say—and this is a little bit embarrassing, I suppose—I scrutinise my email distribution a lot more carefully now and every email that I do send, I try to think about from as many different perspectives as possible.

THE CHAIR: Did you get any feedback from any of the recipients of that email?

Mr Rosenberg: Nil.

THE CHAIR: You can't speak on their behalf, but they just read it and did nothing with it. That is basically what you are led to believe?

Dr Sherbon: I am aware that four officers printed it. I can't tell you who they are.

MR STEFANIAK: Four officers did what?

Dr Sherbon: Printed the email.

THE CHAIR: But neither of you received any feedback on the document until it reached, I guess, the front page of the *Canberra Times*?

Dr Sherbon: That is right.

THE CHAIR: Okay. Doctor, does that show you, again, something concerning, that it is not just that someone has, I assume, prepared this document, but that no other officers, including the recipients, including Max Alexander, picked up any problems with the document?

Dr Sherbon: And it is of concern, Madam Chair. The broader implications for the portfolio executive have been taken into account by myself. That is why all members of the portfolio executive underwent the leadership and integrity training.

THE CHAIR: Well, I know that some of these people have now changed positions, but did it go to all of the positions on the original email distribution list?

Dr Sherbon: Not the admin assistants, but all the executive positions—the entire ACT Health executive, including senior managers at some of the service delivery arms such as Canberra Hospital, Calvary Hospital, Community Care, Community Health and Mental Privileges-30-9

Health—have completed the leadership and integrity seminar over those two days, 4 and 5 September. Mark McRae did address our executive team. So it is a whole-of-executive training experience.

There is an issue amongst the entire executive as to the response to the email. I accept that it is the responsibility of the executive, particularly experienced executive members, to ensure that all officers behave in accordance with the Public Sector Management Act. I have counselled the then acting CEO to that effect as well.

Mr Rosenberg: I should also say I have been in contact with Tom Duncan, the acting clerk of the Assembly, too.

THE CHAIR: He's actually clerk now.

Mr Rosenberg: Right.

THE CHAIR: As of last Thursday.

Mr Rosenberg: Okay. I understand that there is training available or they are looking to reinstate training for officers at other levels about the roles of committees and so on. So I am looking to see if there are opportunities to draw from that training for people beyond executive level.

MR QUINLAN: If I might just volunteer on this. There is a level of training people can do. I am not so naïve as to think that everyone in the administration has nothing but undying respect for politicians. Everybody has got their own idiosyncrasies and would not be human if they didn't see our idiosyncrasies or have maybe some cynicism towards the process of estimates because we certainly do from time to time.

However, there are certain rules about what you write down and what you don't write down and what is actually taken further than just a personal discussion. But I am not offended, let me tell you.

MR STEFANIAK: Just a couple of questions of Sebastian. How many estimates hearings have you been through?

Mr Rosenberg: I have never attended an estimates hearing.

MR STEFANIAK: This is your first too?

Mr Rosenberg: I didn't actually attend the hearing, and I hadn't ever been involved in a preparation process.

MR STEFANIAK: So this is the first preparation process you have been involved in?

Mr Rosenberg: At this level and in this depth, that is correct.

MR STEFANIAK: Right. What was your background in the immediate years proceeding this particular incident?

Mr Rosenberg: I have done a few different things. I worked in the Commonwealth and I have also worked in the case-mix area and in the health policy area. I also worked in human resources for a short time and I also worked as the DLO in Jon Stanhope's office.

MR STEFANIAK: When did you do that?

Mr Rosenberg: From November/December 2001 until about May 2002.

MR STEFANIAK: During that time, did you have anything to do with preparing for the 2002-2003 estimates?

Mr Rosenberg: No.

MR STEFANIAK: So what was your role in the office as the DLO?

Mr Rosenberg: I would have been involved to the extent of facilitating briefings or ensuring that written briefs were provided in a timely and accurate manner to the minister.

MR STEFANIAK: But in terms of preparing those briefs or sitting in in terms of discussions of what was in them, you had no role?

Mr Rosenberg: That is correct.

MR STEFANIAK: Right. So you had no experience with an estimates process either.

Mr Rosenberg: No.

THE CHAIR: You probably know the answer now. But when this was first referred to the Privileges Committee by the Assembly—I think it was in June—did you understand why the document was being referred to the Privileges Committee?

Mr Tatz: Yes.

Mr Rosenberg: Yes, I did.

THE CHAIR: Okay. And after the training that you've been through you feel that your understanding has deepened?

Mr Tatz: Yes.

THE CHAIR: Can we actually grab an agenda of the leadership and integrity training workshop so that we can see what it is?

Dr Sherbon: We can send you the program. I don't have the name off the top of my head of the centre that runs it, but I can get that for the committee. It is in my office. So we can certainly obtain the program and the materials and submit it to the committee.

THE CHAIR: Fantastic, that would be very useful.

MR STEFANIAK: I have got a couple of additional questions to Tony on something quite different. This relates to the information on the waiting lists issue. Can you advise the committee if the information requested of the minister at the estimates hearing was actually available at the time of the request?

Dr Sherbon: Are we in the terms of reference of this committee? Yes?

MR STEFANIAK: Yes.

Dr Sherbon: I will have to take that on notice. We haven't prepared for that component of the committee's deliberations.

MR STEFANIAK: Yes, if you could do that.

THE CHAIR: And we might investigate that part of it further when we can pin the minister down.

MR STEFANIAK: All right. You weren't the CEO at the time, I take it.

Dr Sherbon: The date of the estimates preceded my appointment.

THE CHAIR: Do any members have any more questions on this particular matter? No. Well, thank you all very much for appearing today and thank you for undergoing the training as well. We look forward to seeing the agenda on that. I hope it does clear up what's going on. I think it will provide a useful tool for us as well as we further our investigations on the many things that happened over the estimates 2003 period. But, again, thank you very much for coming today.

The committee adjourned at 3.18 pm.