



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

22 June 1999

Tuesday, 22 June 1999

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MR SPEAKER (Mr Cornwell) took the chair at 10.30 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

POSTPONEMENT OF ORDER OF THE DAY

MR CORBELL (10.31): Mr Speaker, pursuant to standing order 150, I move:

That order of the day No. 1, Assembly business, relating to the presentation of the report of the Select Committee on Estimates 1999-2000 be postponed until a later hour this day.

Mr Speaker, just briefly, the Select Committee on Estimates has finalised its report and it is currently being printed. However, there has been a delay in receiving the dissenting report from Mr Hird. The committee is confident that it will receive that dissenting report within the hour and the report will then be presented at around 11.30 am today.

Question resolved in the affirmative.

CHIEF MINISTER
Notice of Motion of Want of Confidence

The Clerk: Notice has been received from Mr Stanhope that seven days hence, in accordance with standing order 81, he shall move:

That this Assembly no longer has confidence in the Chief Minister,
Ms Carnell, MLA.

ASSEMBLY SITTING PATTERN - AMENDMENT

MR STANHOPE (Leader of the Opposition)(10.33): Mr Speaker, I ask for leave to move a motion to amend the Assembly sitting pattern for 1999.

Leave granted.

MR STANHOPE: Mr Speaker, I move the motion circulated in my name.

Ms Carnell: It has not been circulated and we have no idea what you are talking about.

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MR STANHOPE: I realise that, Chief Minister. Mr Speaker, I move:

That the resolution of the Assembly of 26 November 1998 setting the days that the Assembly shall meet in 1999 be amended by omitting the dates of June 23, 24 and 29.

Ms Carnell: Are you going to speak to it? We will not mind if you do not.

MR STANHOPE: You are in very good humour today, Chief Minister. Mr Speaker, as the Clerk has just announced, I have given notice that, seven days hence, I shall move:

That this Assembly no longer has confidence in the Chief Minister, Ms Carnell, MLA.

I now propose, in accordance with this motion, that, in effect, the Assembly's sitting pattern for 1999 be adjusted by the deletion of two days of this week and one of next week; in other words, effectively allowing me to adjourn the Assembly in a subsequent motion until Wednesday week. I do that, Mr Speaker, in recognition of the seriousness and the gravity of the motion of which I have given notice, a motion of which notice has been given after very serious consideration of a number of matters going to the Opposition's view of Ms Carnell's fitness to be Chief Minister and Treasurer.

In proposing that the Assembly adjust the sitting pattern and adjourn for a week, I am mindful of the seriousness of the matter, of the gravity of the issue that has been proposed, and of the possible consequences, not only for the Chief Minister, but also for the Assembly, the Government and the Territory. In doing so, Mr Speaker, I am mindful of the fact that both the Self-Government Act and the standing orders require that I give seven days notice of such a motion. That, in itself, is recognition of the seriousness of the matter, the gravity of this situation and the need for us all to focus seriously on what it is that we are doing.

In proposing this course of action we are responding, in the first place, to the seriousness of the issue. Secondly, we are responding to the fact that the business of this week does involve, so far as the Government is concerned, consideration of a number of revenue Bills, a number of budget-related issues, and matters going to the budget, issues that are actually central to the motion of which I have given notice, namely, Ms Carnell's fitness to be Chief Minister and Treasurer. It would be odd in the extreme, Mr Speaker, for us to debate those issues, to actually come to a considered opinion on them, when they go to the very question of the want of confidence which the Labor Party will be expressing in a week's time. That is the second reason that I am proposing this course of action.

The third, and significant, reason is the convention or the precedent that has been established in previous Assemblies in similar circumstances in which oppositions have moved motions of want of confidence and the Assembly has not, in the interregnum, undertaken business, that it has in fact risen for a week, that it has suspended its business in deference to and recognition of the seriousness of the issue. These are grave

matters. The consequences are serious. The Opposition has not undertaken this course of action lightly. We have undertaken it only after the most serious consideration of all the issues involved in the proposed motion.

It is on the basis of those three points, Mr Speaker, that we propose as the only appropriate course of action for us to take at this stage that the Assembly should not meet for the next week. As I have said, the three points are, firstly, the seriousness of the issue; secondly, the incongruity of the Assembly meeting to discuss the business of the Government, namely, the budget revenue Bills and a whole range of issues going directly to the very motion that we will be debating next week; and, thirdly, because this Assembly has, in effect, established a convention, it is appropriate for it to suspend its business in the interregnum.

MR MOORE (Minister for Health and Community Care)(10.38): Mr Speaker, I rise to oppose this motion. I do so because I am flabbergasted that the Leader of the Opposition, who is also the Opposition's spokesman on health, does not seem to understand the ramifications of this motion for legislation before the Assembly - for example, the mental health legislation that is before this Assembly for debate in this two weeks of sitting. Mr Stanhope had two options. He could have said, "Yes, we are going to debate the mental health legislation" or he could have come to the Government - after all, he is the spokesman on health and he knows about the mental health legislation - and said, "Before I do this, we will need to extend the sunset clause", because what will happen on 30 June is that we will have no mental health legislation at all in this Territory.

What does that mean? It means that the Mental Health Tribunal will cease to exist and, accordingly, will be unable to hear new applications or referrals or make any orders. It means that emergency detention and care provisions will no longer apply. It means that the provision regarding the rights of mentally dysfunctional persons will no longer apply. It means that the provisions regarding convulsive therapy and psychiatric surgery will no longer apply. It means that the provisions regarding referrals by the courts under the Crimes Act and the Children's Services Act will no longer apply. It means that the provisions regarding the Director of Mental Health, the Mental Health Council and private psychiatric institutions will no longer apply.

That is from the man who purports to be the next Chief Minister, who has put up this want-of-confidence motion so that he can be Chief Minister. He has not even thought through the issue. It is a mistake, Jon Stanhope. If it is a mistake that has been made because of the advice you have got from within your caucus or from within your party, you still have to wear responsibility for it. Of course you have to wear responsibility for it. You did not approach the Government saying, "We have got a want-of-confidence motion coming on. We want to adjourn the house immediately". We have business to get on with. We want to get on with the business of government and we want to make sure that the people who need the protection - - -

Mr Stanhope: Are you going to do it lawfully, Michael?

MR MOORE: Mr Stanhope, by your actions now you are going to remove all laws associated with mental health.

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Mr Stanhope: How long have you been stuffing around with that Bill, Michael? When did you first introduce it?

MR SPEAKER: Order! Mr Stanhope, you have spoken already.

MR MOORE: This is a serious matter, Mr Stanhope.

Mr Stanhope: It is because of your incompetence. When did you introduce the Bill?

MR SPEAKER: Order, please! I understand that there is a good deal of tension in this house, but I am not going to tolerate constant interjections from anybody.

MR MOORE: Mr Stanhope has questioned my competence at a time when it is appropriate that I question his competence, because it is Mr Stanhope who has put up this motion. It is Mr Stanhope who ought to recognise that this motion will mean that there is no protection for people with a mental illness and will mean that there will be no protections for the rest of society from people who act in an inappropriate way because they have a mental illness. That is the effect of the motion you have put up, Mr Stanhope. You have not considered it. For heaven's sake, you are the Opposition's spokesman on health. How dare you talk about my competence, Jon Stanhope!

Mr Stanhope also questioned whether my action is legal - an excellent question. Of course my actions are legal, just as every action taken personally by the Chief Minister in regard to Bruce Stadium has been legal. She has taken responsibility for what happened within her department. Will you now take responsibility for what you have done?

Members interjected.

MR SPEAKER: Order! Sit down. I repeat that I will not tolerate constant interjections and I will have no compunction about naming and removing members from this house.

MR MOORE: Mr Speaker, the point that I am trying to make and would like members to consider is that we have a very serious problem in front of us at the moment that does have to be dealt with. We have to deal with the mental health legislation in one of two ways. A sunset clause does exist. We can extend the sunset clause beyond 30 June, but we would need to do that before this Assembly adjourns, or we can deal with the mental health legislation, which has taken a long time because I have negotiated with all members in a very open and broad way and I have had at a series of community meetings - I know that Mr Rugendyke has attended, Mr Wood has been at, I think, every one of those meetings and Ms Tucker has been at every one of those meetings or at least had a representative there - in order to make sure that we could get an agreed position on the mental health legislation.

Earlier today I circulated the amendments from the last of those community meetings. I believe that the mental health legislation is actually ready to be passed because all the compromises have been made - I think members would probably agree with that - and that that could be done quite reasonably and very quickly; but that is something that was not thought about and ought to have been thought about in this regard. I think we have

a responsibility as members of this Assembly to ensure that we deal with that before there is any adjournment. There is a great deal of other business on the notice paper as well. I am sure that Mr Humphries will talk about our responsibilities to continue with the business of government and to save ourselves from being put in this situation.

Mr Speaker and members, I recognise that the motion that Mr Stanhope has tabled is a very serious motion. I also recognise that at the end run of almost every single sitting period Mr Stanhope or other members of the Labor Party have introduced grave concern, censure and no-confidence motions in some form. At the very last sitting there was a no-confidence motion in Mr Humphries. They keep going on. The disappointment for me is that the whole focus of those opposite is to play the games of politics, instead of getting on with doing what is in the best interests of the people.

Mr Kaine: Get off it, Michael. Get off your bike. You are pathetic.

MR MOORE: Mr Speaker, I am respecting your wishes and I would ask you to ensure that Mr Kaine does so as well. Mr Speaker, the main issue here is getting on with the business of what is in the best interests of the people of Canberra, instead of going down the path of the Opposition and Mr Kaine, in particular, forgetting the fact that the only reason he was elected was the popularity of Mrs Carnell at the last election. That is true.

Mr Speaker, although we have a very serious motion in front of us, we also have other serious responsibilities, very serious responsibilities, to the people of the Territory. Often, we get very involved in what is happening in this Assembly, particularly the specific interest of the media in a particular issue, but there is also a lot of other business going on in this Assembly which it is absolutely critical that we pursue. What we ought to be doing is continuing to get on with the business that we need to pursue and deal next week, on the Wednesday, with the motion that Mr Stanhope has tabled. We have work to do and we ought to get on with doing it, rather than getting bogged down and undermined by the want-of-confidence motion tabled just a few minutes ago.

Mr Speaker, we are really making a decision about what is in the best interests of the Assembly as opposed to what is in the very best interests of the people of the Territory. I think that what is in the best interests of the people of the Territory is the very thing that is highlighted by the Mental Health Act. The best interests of the people of the Territory is to deal with the legislation we have before us as well as all the money Bills that Mr Humphries will talk about and to get on with doing the work that we were charged with doing when we were elected. That is what we ought to be doing.

MR SPEAKER: Before I call Mr Berry, I would like to recognise the presence in the gallery of the Gungahlin and Gold Creek Probus clubs. Welcome to your Assembly.

MR BERRY (10.48): Mr Moore raised the question of competence and it is quite appropriate that he do so, but he should have been looking in the mirror when he raised the issue because it was Mr Moore who introduced the piece of legislation that he referred to and it is Mr Moore who has delayed its reintroduction into this Assembly until this point. There has been long and drawn out discussion with members in relation to the matter. I understand that the legislation is basically back to where we started, that is, back to the original Bill in terms of its effect. This piece of legislation has been

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agreed to by the members of the Assembly who have been involved in the process - Mr Rugendyke and others - and it could be dealt with very quickly. The question of competence comes up. Mr Moore, if you really want to deal with this matter, why is it that you have not come forward with some sort of amendment which would allow it to happen?

Mr Moore, let me propose to you a course that you might adopt. Assuming for a moment that the motion which has been moved by the Leader of the Opposition, Mr Stanhope, will be successful, there will be shortly thereafter a motion to adjourn the Assembly. At that point members might consider opposing the motion to adjourn until such time as the piece of legislation which you specifically referred to is dealt with. The Labor Party indicated to your office this morning, on my understanding, that we are prepared to deal with it forthwith. My understanding is that, as a result of the round table conferences you had, there is substantial agreement to the legislation as it is now proposed.

Mr Moore: That is why it was delayed; through competence, not a lack of competence.

MR BERRY: I know that you will argue that you are not incompetent, but there are others who would like to make a judgment about that. If you rise in this place and accuse others of incompetence, you should take into account your own actions in matters. Mr Speaker, that is a course which could be adopted to resolve the complaints that Mr Moore makes in relation to this matter, notwithstanding the fact that this motion should pass. In due course, we can oppose the motion to adjourn the Assembly and then deal with the piece of legislation to which Mr Moore refers, if I am not mistaken, Mr Speaker, and then adjourn the Assembly in accordance with this motion. Otherwise, the Minister might draw upon his competence to come up with some sort of new motion in lieu of the motion in front of us. But that is a course that could be adopted. Wailing about this issue - - -

Mr Moore: But we do not want to.

MR BERRY: Mr Moore intervenes that the Government does not want to adjourn. We know that, but do not use this issue as a device. If you want to resolve this issue - that is, the Mental Health (Treatment and Care)(Amendment) Bill - I have given you a way forward for dealing with the matter and then that issue would be off the agenda. If you do not want to take that course, you are not serious. I propose that as a course and I think it is a sensible one.

The issues of principle that have been raised by the Leader of the Opposition are serious ones. We have a serious motion which goes to the issue of the Chief Minister's competence to run this Territory in relation to the legality of her actions in certain matters concerning Bruce Stadium. Mr Speaker, that is a serious matter. It goes to the competence of the Government to do anything in relation to Executive business and it is a sensible move to delay any further consideration of Executive business until the matter is resolved one way or the other. But if, as Mr Moore says, the issue that he raises is so serious as to require the most urgent treatment, I have given him a way to deal with it. It can be dealt with. If members agree with the proposed amendments to the legislation, it can be dealt with quite sensibly. Mr Moore, if you are serious about the complaint that you raised, you will go along with us in that direction.

MR KAINE (10.53): Apart from the diversion which Mr Moore has tried to create, the matter that is before this Assembly now is probably the gravest matter that comes before a legislature. The Leader of the Opposition has indicated that he intends to move a motion of want of confidence in the Chief Minister. I cannot imagine anything more serious than that. There appears to be some view abroad that this is a quite trivial thing; it does not matter, it is business as usual. Mr Speaker, I submit that it cannot be business as usual because, from the moment the Leader of the Opposition indicated that he would be moving such a motion, the Chief Minister must virtually move into a caretaker role. She cannot pursue significant matters of government business, whether by Executive decision or by dealing with significant government business that is before this house, because one week from today she may no longer be Chief Minister.

Under such circumstances, she cannot force her views, her policies and her legislation of any significance through this house. It would be unacceptable for the Chief Minister to do so. The Chief Minister cannot and must not make any significant Executive decision in the next week that would place responsibility on a new Chief Minister, if there were to be one, to implement that policy or that decision. It would be improper and inappropriate. Just as it would be improper and inappropriate for the Chief Minister to make that kind of Executive decision, it would be equally improper and inappropriate for significant government business initiated by the Chief Minister and currently before the house to be proceeded with. There is a cloud hanging over the Chief Minister and she cannot insist on her business being dealt with either inside or outside this legislature.

Somebody said that it is a matter of convention. I consider it to be a matter of convention, Mr Speaker, but it is far more than a matter of convention because the Chief Minister has to deal with very significant charges against her - charges of acting unlawfully. They are not trivial matters and they cannot be dealt with by this place as being trivial. If we are going to regard that sort of issue as trivial, one has to ask the question: What would this legislature consider to be serious? The answer, presumably, is nothing. There is nothing more serious than a Chief Minister and Treasurer acting unlawfully.

Mr Moore: She has not done so.

MR KAINE: We hear from Little Sir Echo over there. He is the man who tries to divert the issue by saying, "But my piece of legislation is more important than that". He is the man who is saying that his piece of legislation is more important than the question of a motion of want of confidence in the Chief Minister.

Mr Moore: Than politicking, your politicking.

MR SPEAKER: Order, please!

MR KAINE: Mr Speaker, you were talking about interjections before; would you deal with him? The boot is on the other foot now, Little Sir Echo. Mr Speaker, the point that I am trying to make is that this is not a trivial issue and it is not possible, in my

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view, constitutionally. Let us talk about what is happening here. It is a constitutional issue. It is not proper constitutionally for this place to carry on with business as usual while this motion of want of confidence is hanging over the Chief Minister.

Mr Moore: I take a point of order, Mr Speaker. Can Mr Kaine give the legal opinion to which he is referring, because we rely so much on legal opinion for these issues?

MR SPEAKER: There is no point of order.

MR Kaine: I will tell you what, Mr Speaker: I will back the legal opinions of three eminent counsel against Mr Moore's any day. Of course, Mr Moore is playing the Government's game that this is trivial, that it is all about a minor flaw in the wall. He is joking, surely. He has to be.

In terms of the government business that happens to be before this house at the moment - I have already said that I believe that it would be improper at best to deal with it under the circumstances - the most important, I suppose, is the budget. The Chief Minister and Treasurer could be arguing that we must deal with the budget. In fact, we do not have to. There is no urgency to deal with the budget. It would not matter if the budget debate did not take place and if the budget were not passed until September because the Financial Management Act provides for supply if the budget is not through by the end of the fiscal year. There is no urgency in deferring the debate on the budget. There is no urgency in deferring the debate on the budget, Mr Speaker, and there is no urgency either in deferring the debate on less significant legislation like what Mr Moore is trying to make issue No. 1 this morning.

On that point, Mr Speaker, if it was so important to Mr Moore to get that piece of legislation through, why did he leave it to the last five sitting days of this Assembly to bring it on? In fact, he has already admitted it. The last piece of paper that I received in my in-tray just before I came down here this morning was an amendment to his own legislation. On 22 June - - -

Mr Moore: If you had been there you would know why.

MR Kaine: Mr Speaker, I seek your protection.

MR SPEAKER: Mr Moore, you have spoken already. Please be quiet.

MR Kaine: On 22 June this member brings forward significant amendments to legislation which he says is so important that it must go through before the end of the month. What he is trying to say is that there ought not be any debate at all on his Bill; we should just sign it off and make it law. Mr Speaker, his legislation is like everybody else's legislation; it is subject - - -

Mr Moore: That is not what I say. You misrepresent me again.

MR Kaine: Mr Speaker, I appeal to you.

MR SPEAKER: Order! Mr Moore, if you want to talk to yourself, please go outside.

Mr Moore: Mr Speaker, the difficulty is that Mr Kaine is constantly referring to me, that he is constantly dealing with these issues and misrepresenting me - - -

MR SPEAKER: Being provocative is the word.

Mr Moore: Mr Speaker, you have constantly ruled - - -

MR KAINE: Mr Speaker, is Mr Moore taking a point of order or is he not?

MR SPEAKER: Order! Order!

Mr Moore: I am in the middle of a point of order, Mr Speaker.

MR SPEAKER: Order! Mr Moore has a point of order.

Mr Moore: Thank you. Mr Speaker, you have set the precedent before that, where the member speaking constantly refers to another member, in the normal to and fro of the debate there will be interjections. That is what I am referring to.

MR SPEAKER: It is provocative.

Mr Moore: When he is provoking, Mr Speaker, that is likely to happen.

MR SPEAKER: There is no point of order. Do you have a point of order, Mr Corbell?

Mr Corbell: Yes, I do, Mr Speaker. Mr Moore is consistently and persistently taking frivolous points of order. Further, Mr Speaker, he is consistently and persistently ignoring your ruling about interjections in this debate. He has done it on half a dozen occasions while Mr Kaine has been speaking. You made it very clear that you would not tolerate any interjections. I would ask you, Mr Speaker, not to allow Mr Moore to do that again.

Mr Moore: Hypocrisy, Simon Corbell.

Mr Corbell: He just did it again, Mr Speaker.

MR KAINE: Mr Speaker, I will merely summarise briefly and stop aggravating Mr Moore. I can see that it is a matter of some aggravation to him. Mr Speaker, the point that I am trying to make is that we have before us a very serious matter. It is the most serious matter that can come before a legislature. Precedent in this house has established that, once such a motion is tabled, the house will adjourn. There is no justification for not following that precedent; indeed, not to follow the precedent would put this house in a situation where it is attempting to deal with significant government business which it ought not to deal with, given that there could be a new Chief Minister one week from today. I submit, Mr Speaker, that the motion put by the Leader of the Opposition is most proper and it would be remiss of this house to reject this motion; in fact, it would be improper for the house to reject this motion. I support it and I submit that every member of this place should support Mr Stanhope's proposals.

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MR RUGENDYKE (11.02): Mr Speaker, what an absurd situation we have here! On the one hand, we have a Liberal government doing its level best to relinquish government to the Labor Party simply through the promulgation of the most foolish letter I have ever seen, and on the other we have the Labor Party, knowing how high I set the bar on these matters of want of confidence, arguing over whether we ought to suspend the house in the meantime. The bar should be getting lower, Jon, but it is going up with each speech from the loony left here.

We have heard the speech of Mr Moore, who says that failure to debate the mental health legislation would mean that there would be no mental health legislation. How could someone purporting to be the Leader of Opposition argue against that? Mr Speaker, let us get on with it. Pursuant to standing order 70, I move:

That the question be now put.

MR SPEAKER: Mr Rugendyke, I have an option as to whether to put such a motion. Under the circumstances, having had five speakers, I think I will allow a little more debate. Mr Humphries will be the second government speaker.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.04): I rise to oppose this motion, Mr Speaker. Under normal circumstances the precedent that Mr Kaine has referred to would be a very persuasive precedent. There have been a number of occasions when such motions have been moved in the past and, generally speaking, there has been an adjournment of the Assembly. I might say that it has not always been supported by the government of the day. On a quick reading of the debate in 1989, the then Labor Government opposed adjourning the Assembly while the motion of want of confidence rested for the compulsory seven days. I concede that one's perspective changes, depending on which side of the house one is on.

Mr Speaker, we have just had a motion of considerable gravity put on notice in this place. Mr Kaine said that someone was describing it as trivial. Certainly nobody on this side of the house would describe such a motion as trivial. It is not trivial. Under normal circumstances, Mr Speaker, I think it would be appropriate to suspend the house for seven days while members took stock of their position and considered the arguments. However, this is not a usual time, a usual position, to be in. We are within a few days of the end of the financial year and a number of important things will happen in the next few days. If we do not attend to them pursuant to our duty in this place, we will find ourselves in considerable difficulty. What is more, not only will we find ourselves in difficulty as custodians of the laws of the Territory, but also the Territory itself will find itself in considerable difficulty, particularly people in certain sectors, such as those who depend on the services of the Mental Health Tribunal.

Mr Speaker, the legislation that Mr Moore has referred to is extremely important. I have to say to members that we should not be in the business of denying that jurisdiction if we can avoid it. We must deal with this legislation because the Assembly itself set a sunset clause of 30 June and that sunset clause expires in a few days' time. If we do not sit between now and next Wednesday, as is proposed by Mr Stanhope's

motion, we will lose the chance to be able to deal with that. Mr Berry suggests that we could deal with this legislation this afternoon. True enough. But it is not the only piece of legislation which is of some importance on our agenda at the moment.

Mr Speaker, I want to draw the attention of members to a matter which is to be introduced should this motion fail in a few short minutes, namely, the Financial Sector Reform (ACT) Bill 1999. Mr Speaker, that Bill addresses the ACT's role in transferring the Financial Institutions Scheme of Australia to the Commonwealth under an agreement which has been entered into by every Australian State and Territory with the Commonwealth. The Commonwealth plans to commence that scheme on 1 July 1999 and, Mr Speaker, I understand that every jurisdiction in Australia other than the ACT has now put its legislation in place as the trigger for the Commonwealth action to commence the scheme on 1 July 1999.

But it is a national scheme. The scheme will not work unless every jurisdiction is part of it. It simply will not work; it will fail. A major national reform will fail unless this Assembly passes that legislation in time for that commencement. I doubt, Mr Speaker, whether passing something at half-past 11 next Wednesday night, which might be our best option if we were to follow Mr Stanhope's proposed course of action, is going to fit that timetable. In fact, it certainly is not going to fit that timetable.

Mr Speaker, this Bill has been circulated out of session as an exposure draft to all MLAs. Obviously, we would like to have had more time to consider the Bill, but the fact is that it was finalised only a few days ago by the Queensland Parliamentary Counsel, I understand, and other parliaments have moved quickly to implement the legislation in their jurisdictions. We happen to be the last one to be in a position to do so. Mr Speaker, not only is it important that we consider this Bill, not only is it the view of this Government that we should consider this Bill now, but also it seems to be the view of the Opposition in this place that we should consider this Bill.

Mr Speaker, I was contacted today by the Australian Banking Association, which informed me that it had been assured by Mr Quinlan that the ACT Opposition understands the importance of this reform being passed through the parliament by the deadline of - - -

Mr Quinlan: Also understand that you should have put it through a lot earlier, Gary; then we would not be having these problems.

MR HUMPHRIES: You should understand that it was not available to put through before the six-week adjournment that we have just had, Mr Quinlan. It was not available to put through before this point. We have not got - - -

Mr Quinlan: Why are we last?

MR HUMPHRIES: Because we have had a six-week adjournment, Mr Quinlan. You supported a six-week adjournment of this place so that the Estimates Committee could meet without being interrupted by sittings of the Assembly. That is why we are the last cab off the rank. The other parliaments have been sitting, but we have not been sitting. Therefore, we have had to bring this Bill forward at the first available opportunity, as I understand it, which is today and the Bill is now there. It is listed as the first Bill to be

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introduced by the Chief Minister today and was to be debated, I understand, this coming Thursday. Mr Speaker, that Bill is important. On that Bill hinges the entire national reform agenda on financial institutions. If we do not pass that Bill, we put the reform agenda back. It would probably necessitate amendment of legislation in eight other jurisdictions.

Mr Hargreaves: So be it.

MR HUMPHRIES: "So be it", says Mr Hargreaves. That was not what you told the Australian Banking Association yesterday. Your Mr Quinlan said that you understood the importance of the legislation and that you would do your best to make sure that it got through the Assembly this week. Whom do we believe? Do we believe Mr Quinlan when he speaks to the Banking Association, which is extremely upset by the apparent change of heart on the part of the Opposition in the ACT, or do we believe Mr Hargreaves now or Mr Quinlan now? Which is it? I do not know, Mr Speaker, but I do know that the fact remains that this is an important piece of legislation which we must deal with. We cannot deal with it today. It has not been introduced yet. It has to be dealt with later this week. Mr Speaker, the Rates and Land Tax (Amendment) Bill is before the Assembly. If it is not passed by 30 June, then we end up not having a new rating arrangement in place for 1 July.

Mr Hargreaves: Well, that is a shame.

MR HUMPHRIES: It is a shame because the position of people who attempt to pay rates on 1 July is unclear. I wonder whether a person who pays rates on 1 July on the basis of the determination which has applied for this financial year, 1998-99, can rely on that determination for the next financial year's rating level. I do not know, Mr Speaker. I do not think that anybody knows at the moment what the situation will be. The only way of clearing up that uncertainty is by passing this legislation before the end of this sitting week.

There are other important Bills on the table, Mr Speaker, and there are important instruments to be tabled. We have referred already to the Land (Planning and Environment) (Amendment) Bill, which is to come before the house later today and which will clear up uncertainty about the level of betterment charge, change of use charge, in the ACT. We believe that it is important to deal with that in the current fortnight.

There is, finally, the matter of the budget. It is true, Mr Speaker, that we could consider the budget in the period after Wednesday of next week. Obviously, we would not have enough time to deal with it on the last day of next week. We would have only one sitting day next week to deal with the entire budget, which has usually taken us at least 2½ days and many long nights to deal with in previous years, and I can see no reason why it would not be the same this year. We would have to come back for a further sitting. Then we have the Estimates Committee report, which has not been tabled yet, and the Government's response, which has not been produced yet because we have not seen the report as yet. All that has to be done within a short space of time.

Mr Speaker, we could not deal with that next week. Obviously, we could not deal with all that in the space of one day of next week. We would have to come back for a further sitting in the week after next. We would also have to deal with the gaming legislation. As I understand it, the appointment of the Casino Surveillance Authority expires on 30 June. We have to produce legislation to extend the appointment of members of that authority beyond 30 June.

Mr Hargreaves: Tsk, tsk.

MR HUMPHRIES: “Tsk, tsk”, says Mr Hargreaves; it does not really matter.

Mr Hargreaves: You should have thought about that when you knew about the Bruce Stadium debacle.

MR HUMPHRIES: Mr Speaker, we have not put this matter before the Assembly in this way. We have not upset the applecart as far as the sitting is concerned. (*Extension of time granted*) Mr Speaker, I hope that members opposite will adopt a little bit of commonsense about this matter. There is important business on the program.

Mr Hargreaves: Like your speed cameras.

MR HUMPHRIES: That is important also, Mr Speaker, as it happens. Mr Hargreaves mentioned speed cameras. We are expecting in the first financial year revenue of \$2.5m from speed cameras. It follows that every week of delay on that costs the ACT a considerable amount of money as a proportion of that \$2.5m. Savings measures in the budget will be delayed and a proportion of that saving for the financial year will be lost by any delay in the passage of the budget. Revenue measures which are expressed for the full financial year will be lost to the extent to which we delay the budget for that particular proportion of the year. It may only amount to a few days, but it does add up to several hundred thousand dollars, on a conservative estimate.

Mr Speaker, members opposite obviously are not interested in these arguments. They appear to be unimpressed by the question of sound financial management, and that does not surprise me at all. But the fact remains that if we do not deal with these issues we put a number of important considerations at risk. Mr Speaker, I ask members to oppose this motion. It is important that we do this important business. I say to members that we should ensure that it is done this week. It was only yesterday, as I understand it, that members opposite were running round this building saying, “We should be sitting throughout this week”.

Mr Berry: Who said that?

MR HUMPHRIES: I understand that your view earlier yesterday was that we should sit throughout this week. Even when I spoke to Mr Berry last night, the view in favour of an adjournment was not particularly strongly expressed. Mr Berry’s view to me was: “I think we tend to the view that we probably ought to adjourn”. That was the way it was put to me. Now, it is: “We must adjourn under all circumstances. We must adjourn no matter what. We must adjourn”.

Mr Stanhope: What did you tend to think?

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MR HUMPHRIES: Mr Speaker, I think that in all ordinary circumstances it would be appropriate to adjourn, but these are not ordinary circumstances. The legislation before the house is important and it should be dealt with. I do not particularly want to come back here in the first full week of July for a further week of sitting. Mr Speaker, we would probably need more than a full week of sitting in July to deal with the business that was left over. We would probably need at least a couple of days in a second week of sitting in July. That, in my view, is not necessary; we should deal with these matters this week.

MR MOORE (Minister for Health and Community Care): Mr Speaker, I wish to make an explanation under standing order 47.

Mr Berry: Afterwards.

MR MOORE: I am entitled to make it now.

MR SPEAKER: Just a moment. Nobody else stood. Mr Moore may proceed.

MR MOORE: It will be a very brief explanation, Mr Speaker. I wish to clarify something. It is on the matter of the contact with my office about the mental health legislation. I indicate that there was no contact with my office on dealing with this issue today. Mr Berry indicated that there had been an approach to my office on how we would deal with the mental health legislation, and that was a spin on the issue. What actually happened, Mr Speaker, was that a departmental liaison officer from my office who was providing extra information to Mr Wood in his office was told by Mr Wood words to the effect: "We do not have any problems with the legislation", which is a very different issue - I will say it very briefly - from saying that this needs to be dealt with today before the sunset clause takes effect.

MS TUCKER (11.18): I will be supporting this motion. I took advice from the Clerk and I have read the standing orders relating to the issue. For me, it is similar to the discussion and consideration of Mr Osborne's possible proposal of adjourning the no-confidence motion until September. In deciding whether or not I would support Mr Osborne's motion I considered issues of fairness and appropriateness and propriety in a parliament. In that case I would have voted with the Government against Mr Osborne's proposal to adjourn, but that did not occur anyway.

I am supporting Labor's motion to suspend government business today because I believe it is a very serious issues for a community when its government is on notice as possibly not having the confidence of the Assembly of the time. It is a matter of such gravity that it would be quite inconsistent to allow the Government at the same time to proceed with its business as if everything is normal. For that reason I am supporting this sentiment as good parliamentary process.

A precedent has been raised this morning by Mr Moore regarding the sunset clause. I must say that this is really quite surprising because it is not as if the Government had no idea that this was a possibility. We have all been very well aware of this no-confidence motion coming from Labor. Everyone, I would imagine, is aware that there are precedents for seven days' suspension of business. Therefore I am surprised

that this is raised at the last minute in the way it has been by Mr Moore. This should have been discussed beforehand. As it has turned out, we are going to find a resolution to that particular concern. As I understand it, the Bill can be debated today.

The other point I would make about the other pieces of legislation that may have some urgency around them is that we can deal with business on Wednesday after the no-confidence motion. Also, of course, it is always within the ability of the Assembly to choose to sit another day or to choose to sit for another week. So solutions can be found. If the load of business is of such significance, the Assembly can agree that we need to allocate another sitting week. So none of the problems that have been raised are not able to be solved.

I believe the principal thing that has to be in the minds of all members when they are voting is the fact that we have a government in respect of which a no-confidence motion is to be put. This is a very serious matter. We therefore need to acknowledge the gravity of the matter by not accepting that the Government can go on with its business as if everything is normal.

MS CARNELL (Chief Minister and Treasurer) (11.22): It was very interesting to hear Mr Kaine particularly say that to continue to sit would be unconstitutional. I think that was the word he used. It is very interesting to note that on 30 May 1990 a want-of-confidence motion was moved in the Assembly against the then Chief Minister, Mr Kaine, and guess what happened, Mr Speaker? The Assembly kept sitting. Mr Kaine, as Chief Minister, kept sitting. In fact, the Assembly went straight into question time.

Mr Wood: Who moved it?

Mr Stanhope: Who moved that motion?

MS CARNELL: Mr Stevenson. Mr Speaker, I do not think it matters who moves - - -

Mr Berry: He had one vote, and everybody knew it.

MR SPEAKER: Order! Settle down please.

MS CARNELL: Mr Speaker, if the issue here is that a want-of-confidence motion is a very serious issue, and it is, no matter which elected representative in this place moves it, and that it is unconstitutional, to use Mr Kaine's word, to continue to sit, unfortunately he did exactly that.

Mr Moore: He broke the law.

MS CARNELL: He must have broken the constitution, Mr Speaker.

Mr Moore: Unconstitutional. Acted illegally.

Mr Kaine: Have your fun, Michael. It does not derogate from the importance of this matter. You have your little joke.

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MR SPEAKER: Order! Settle down. I cannot hear the Chief Minister. Order, please.

MS CARNELL: Thank you very much, Mr Speaker. It shows categorically that the precedents in this place go both ways. In some circumstances the Assembly has adjourned and in others fairly obviously it has not. Obviously Mr Kaine did not. Also, Mr Berry, who did not move for an adjournment either, did not believe that it was unconstitutional to continue to sit back in 1990. Mr Speaker, I think that blows that whole argument right out of the water.

Mr Speaker, I would like to circulate for the information of members - I think it has been circulated - the legal opinion with regard to the Mental Health (Treatment and Care) (Amendment) Bill which outlines the problems that Mr Moore raised in his speech about very fundamental issues that face this Assembly if we do not pass it by the end of the financial year. Mr Speaker, I will table that for the interest of members.

I think it is very important for members who are contemplating which way to go with this legislation to look at the pieces of legislation that are on the table and the business that we will be embarking upon over the next week. Some of those pieces of legislation are obviously very important and they probably would be handled in exactly the same way no matter who is in government in this place. So any comments that Mr Stanhope may have made that we cannot do any of the business in the next week simply because there might be a change of government next week fall very flat, just on the basis of logic. It is also very interesting, Mr Speaker, that Mr Stanhope now does seem to accept that a no-confidence motion in me as Chief Minister is actually a no-confidence motion in the Government and that there could be, or would be, a change of government if that motion got up. He now seems to admit that, as he said that in his speech, Mr Speaker.

Mr Stanhope: Well, nobody is standing. None of you are standing. I didn't until you all bailed out.

MR SPEAKER: Order, please!

MS CARNELL: Mr Speaker, I have not interjected at all during this debate.

MR SPEAKER: I know. I am well aware of that, Chief Minister. A little bit of courtesy, please.

MS CARNELL: Mr Speaker, I will come back to summing up the debate from our side. There are a number of pieces of legislation that are essential to the people of Canberra, and in one case particularly, the Financial Sector Reform (ACT) Bill, essential to Australia for the financial basis of this country. On top of that there are a number of other pieces of legislation, such as the gaming machine legislation with regard to the Casino Surveillance Authority, and rates and land tax legislation that must go through, again regardless of which side of the house we are on. I think it is essential, Mr Speaker, that we take into account what we are doing here, and that is serving the people of Canberra and ensuring that we do the right thing by the community. I have to say that passing the mental health legislation, ensuring that the Financial Sector Reform Bill goes through, ensuring that we do have a Casino Surveillance Authority, and ensuring that we do have a revenue base for this Territory so that we can provide such

essential services as health and education has to be the reason we are here. We are not here to play politics, and that is what an adjournment would be about, nothing more and nothing less - just members playing politics.

Mr Kaine put an argument about this being unconstitutional. Well, if it is unconstitutional, Mr Kaine broke the law, Mr Speaker. So Mr Kaine's argument is obviously fallacious. There are precedents either way. I think this Assembly should make the decision on the basis of looking at the notice paper and deciding what is in the best interests of the people of Canberra, and there is no doubt that that is to continue to sit.

There is one other issue I would like to raise, Mr Speaker. If we rise for the next week it will cost in dollar terms and financial terms, as well as all the social issues we have already raised, quite a significant amount of money because we will have to sit again. We will have to sit again for at least a week and a half. So it will cost money that those opposite do not seem to care about. There will be significant social ramifications and financial ramifications, which of course inevitably end up as social ramifications, all for one thing - because those opposite and others want to play politics. This side of the house obviously will oppose a motion to adjourn because it would not be in the best interests of the people of this city.

MR STANHOPE (Leader of the Opposition) (11.29), in reply: The very good reasons for the house rising for a week that have been put by the Opposition and two members of the crossbench at least have simply not been addressed or rebutted at all by the Government. The Government, of course, wants to maintain some semblance of normality that it is getting on with government because it is in enormous strife. It is actually embroiled in the gravest fiasco in relation to Bruce Stadium. It has been suffering for weeks now, bleeding out in the community, as a result of the fiasco that it created at Bruce Stadium. The fact that it did act unlawfully and that it - - -

Mr Moore: I raise a point of order, Mr Speaker. I do this reluctantly, but I refer you to standing order 59. Mr Stanhope has talked about the gravity of the particular motion that he has put. I think anticipating discussion on that motion would be entirely inappropriate.

MR SPEAKER: I do not uphold the point of order, but I do remind Mr Stanhope that Mr Moore is correct in that you must not refer to or anticipate debate.

MR STANHOPE: Thank you for that, Mr Moore. I will go through the issues that were raised and that simply have not been rebutted. Mr Moore acknowledges the seriousness and the gravity, as have other members of the Government. We all acknowledge that this is a most serious and grave matter and it has not been raised lightly by the Opposition. Because of the gravity of it, because this is in effect and for all practical purposes one of the most serious matters that might be brought in this place, we believe that the Assembly should rise for the week. I think the argument has been put quite succinctly. We all accept that it is extremely grave. It should have precedence over other business.

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The point about rising and not doing business for the next week is that that really is consistent with the intent of the Self-Government Act and the standing orders. The standing orders and the Self-Government Act are quite explicit in terms of the machinery that applies to the moving of a motion of no confidence in the Chief Minister. We have specific provisions in both the Self-Government Act and the standing orders. The Self-Government Act does act as the ACT's constitution. I take the point that Mr Kaine made in relation to that. The Self-Government Act is, in effect, the de facto constitution of the ACT and it is significant. It contains provisions in relation to the machinery that applies to motions of want of confidence in a Chief Minister. We need to respect the intent of that legislation and also of the standing orders.

We also need to accept that there is a precedent in relation to the two significant and serious motions of no confidence that have been moved in this place. The convention that was adopted in each of those cases was that the house did no business between the giving of notice of the motion of want of confidence and the debate on that motion. That is the precedent that this place has established in relation to the two serious no-confidence motions that have previously been dealt with in this Assembly.

Mr Wood: The serious ones.

MR STANHOPE: The serious ones, the ones that were not treated with some derision. The precedent is there. There is a convention in this place that business will not be done. The other point that has been made and that we should take note of is that it would be peculiar in the extreme, in the face of a notice of motion which has been delivered that there will be a debate of no confidence in the Chief Minister next week, if we spent the week debating legislation that goes to the heart of the responsibility of the Chief Minister and Treasurer - a number of revenue measures, a number of financial measures, the estimates, the Appropriation Bill and the budget. Is it being seriously suggested to us, in the face of a motion of want of confidence in the Chief Minister which will be debated in seven days' time, that we should spend a week debating a swag of the Chief Minister's legislation that goes directly to this Assembly's view of her capacity to be Treasurer and Chief Minister? Certainly not. That is a nonsensical suggestion.

There is a view that is consistently put by the crossbench, and in particular Mr Osborne. To the extent that Mr Osborne passes the Government's budget, its revenue measures, he is expressing confidence in the Government, because he has said time and time again that to do otherwise is tantamount to expressing no confidence in the Government. How can we debate this legislation which, if it fails to pass would be construed by Mr Osborne and others in this place as a vote of no confidence in the Chief Minister, in the face of a motion to that effect which has been tabled? It is simply a nonsense that we should proceed on that basis.

I take the point that Mr Moore has made in relation to the mental health legislation. We are mindful of the point that he raised. We do not resile from the point that it should not have been left until the last minute for this Assembly to be faced with the prospect of passing legislation in relation to which a sunset clause is vital.

Mr Moore: Two sitting weeks.

MR STANHOPE: I am mindful of the point that Mr Moore makes. I dismiss the other examples that have been raised by other members of the Government. I have some sympathy for the argument advanced by Mr Moore. No responsible person would wish to see the consequences that Mr Moore advised us of in relation to people with mental disability. Of course, we are prepared, as any reasonable person in this place would be, in relation to that particular instance. The other examples are quite derisory. They are simply thrown up as smokescreens. They are simply used as some sort of stunt about how the ACT will sort of crumble and fall if this legislation is not passed. It is absolute nonsense to suggest that legislation needs - - -

Mr Corbell: And Australia.

MR STANHOPE: Yes. To suggest that the whole financial system of Australia will collapse if the ACT is one day late in passing a certain piece of legislation is just utter and absolute nonsense. To the extent that we are dealing with the personal rights of people with a mental disability, the situation is, perhaps, somewhat different, although there are stratagems available to deal with that legislation either today or next Wednesday. The Minister knows that. If he is prepared to apply some lateral thinking to the situation and negotiate with other members of the Assembly, it is certainly achievable. I would be more than happy, subsequent to the passage of this particular motion, for Mr Moore to seek leave to deal with his two Bills before the adjournment motion is moved. We are quite open to the Minister doing that once this particular motion is passed. It is simply a nonsense to suggest that these matters cannot be dealt with reasonably and sensibly. The other issues that are raised are a simple smokescreen, simply to provide some grist to the Government's desire to be seen to be in charge and getting on with business and not playing politics. What nonsense.

That is the position that the Opposition puts. This motion should be passed in deference to the seriousness of the matter. It would be in recognition of the fact that it would be a nonsense for us to deal with legislation in the Treasurer's portfolio, the passage or failure of which goes to the question of this Assembly's confidence in her as Chief Minister in any event. We recognise the particular issue that Mr Moore raised. This side of the house is willing, as are the members of the crossbench, I believe, to deal with the matter before the adjournment is moved. We would give leave for that particular issue to be dealt with.

Mr Moore: Mr Speaker, I seek leave to respond to Mr Stanhope's suggestion about mental health.

Leave not granted.

Mr Moore: We have had a reasonable debate. I seek leave to respond to Mr Stanhope specifically and briefly - - -

MR SPEAKER: Mr Moore, leave is not granted.

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MR OSBORNE: Mr Speaker, I seek leave to speak.

Leave granted.

MR OSBORNE Thank you, Mr Speaker and members. I find this whole debate interesting because I have had many discussions with both the Labor Party and the Government in the last few days about what to do in the next seven days. It is staggering how both sides seem to have changed tack somewhat on what they wanted to do. I had discussions with members of the Labor Party on Friday who were certain that they wanted to continue working through the week, and the Government wanted to have seven days off. I arrived at work this morning and ran straight into Mr Stanhope, and he now wants to adjourn for seven days and the Government wants to keep working through.

My initial reaction is to continue working, but I have looked at the standing orders. When you read standing order 81, I think the precedence that that talks about is on the day that the motion is actually moved. However, it would appear that what happened in this place in the years before I even came to Canberra, when these types of things were on the landscape every couple of months, was that the Assembly did rise. So, Mr Speaker, I will support Mr Stanhope's motion, but there is a condition.

I did listen to the arguments put forward by the Government. I will support them in their desire to fix up the mental health issues in relation to Mr Moore. I am also open to looking at some of the other issues that they claim need to be resolved before the 30th.

I will be supporting what Mr Stanhope is attempting to do. Apart from those small conditions, I think we do have a responsibility today at least to try to tidy up a number of things which are apolitical and which are not going to affect whoever is in government. I support the motion, although I did tell Mr Stanhope well before Labor announced to the world that they were going to move a no-confidence motion that I thought the fair thing to do was to wait for the Auditor-General. Mr Stanhope chose to go ahead with the motion. Good luck to him. I will not be supporting it because I will be waiting for the Auditor-General's report.

I understand that my colleague here, Mr Rugendyke, is seriously considering the issue, so, clearly, there is the potential for a change of government next week. I think we need to respect what has happened in the past. However, I agree that there is a responsibility on all of us to fix up some legislation, so I will support the Government to do that today.

MR MOORE (Minister for Health and Community Care): Mr Speaker, I seek leave to make a brief couple of comments.

Leave granted.

MR MOORE: Thank you, members. The first thing I would like to do is to read the section of the Self-Government Act that applies. Section 19 says:

A resolution of no confidence in the Chief Minister has no effect unless:

- (a) it affirms a motion that is expressed to be a motion of no confidence in the Chief Minister;
- (b) at least one week's notice of the motion has been given in accordance with the standing rules and orders; and
- (c) the resolution is passed by at least the number of members necessary to be a quorum.

Mr Speaker, that is all that is said in the Self-Government Act, our constitution. On the other matter, Mr Speaker - - -

Mr Stanhope: I take a point of order, Mr Speaker. Mr Moore said quite explicitly he wished to have leave to speak about the mental health legislation. If he is not going to do that he has no right to expect us to approve these nonsense requests.

MR MOORE: On the contrary, Mr Stanhope, I stood up a moment ago and asked for leave to speak briefly on a couple of matters.

MR SPEAKER: That is right.

MR MOORE: I have now dealt with the so-called constitutional issue. You only have to read the Self-Government Act, if members have it in front of them, to know that that was a nonsense.

The second issue, Mr Speaker, is about the Mental Health Act because it is fundamental. The Leader of the Opposition has made a mistake here in the way he has done this. We will help him out and we will seek to bring on the legislation.

Mr Stanhope: Whose legislation is it, Minister? Do you want to hand over already?

MR MOORE: It is my legislation and it has taken a great deal of time. We have been negotiating very carefully because of the consultation process. I think Ms Tucker would agree with me - it is probably the only time she will - that the consultation process on the Mental Health Act has been impeccable. That is why it is ready to be debated without us getting into a major conflict. I must say that I am very disappointed with Mr Osborne's approach. He still has time to change his mind. The Mental Health Act illustrates very clearly what happens. It demonstrates that the no-confidence motion is not the most important thing. It demonstrates what Mr Stanhope has been saying - that the no-confidence motion is not the most important thing at all. There are other important things. The important things are about how ordinary people can get on and live their lives.

Mr Wood: Sit down. Come on, sit down, Michael.

MR MOORE: I hear Mr Wood interjecting, "Sit down". Remember, you did give me leave to speak briefly.

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Question put:

That the motion (**Mr Stanhope's**) be agreed to.

The Assembly voted -

AYES, 9

Mr Berry
Mr Corbell
Mr Hargreaves
Mr Kaine
Mr Osborne
Mr Quinlan
Mr Stanhope
Ms Tucker
Mr Wood

NOES, 8

Ms Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Moore
Mr Rugendyke
Mr Smyth
Mr Stefaniak

Question so resolved in the affirmative.

FINANCIAL SECTOR REFORM (A.C.T) BILL 1999

MS CARNELL (Chief Minister and Treasurer) (11.47): Mr Speaker, I ask for leave to present the Financial Sector Reform (ACT) Bill 1999.

Leave granted.

MS CARNELL: Thank you. Mr Speaker, I present the Financial Sector Reform (ACT) Bill 1999, together with its explanatory memorandum.

Title read by Clerk.

MS CARNELL: Mr Speaker, I move:

That this Bill be agreed to in principle.

I am pleased to present to the Legislative Assembly the Financial Sector Reform (ACT) Bill 1999. This Bill is part of the reform process of the Australian financial sector. The reforms arose out of the 1997 Wallis financial system inquiry which made a number of key recommendations relating to the supervision of Australia's financial sector. This Bill, in conjunction with complementary Commonwealth legislation, will result in the transfer of the regulation of building societies and credit unions from the ACT to the Commonwealth. All the States and the Northern Territory are enacting similar legislation.

The Bill is the result of an agreement between the Commonwealth, the States and the Territories to transfer the regulatory responsibility of building societies and credit unions to the Commonwealth and to wind up the current system of State-based supervision. The transfer will take place after seven years of successful regulation by the States and Territories under the uniform financial institutions scheme. The

prudential standing of credit unions and building societies is considerably stronger than when the scheme commenced in 1992. The proposed reforms will provide a uniform national system of supervision of financial institutions, thereby reducing the duplication of the regulation of Australia's financial institutions. Moreover, the reforms are designed to enhance competition in the retail financial sector by applying the same regulatory structure to all Australian deposit-taking institutions.

Members will also recall that I wrote to them in April 1998 informing them about the implementation of the Wallis inquiry and that future Territory legislation will be required. Further, as this Bill is a result of an intergovernmental agreement, the Financial Sector Regulation Transfer Agreement, the agreement was passed on to the Standing Committee for the Chief Minister's Portfolio. That committee noted that the ACT had given in-principle agreement to the transfer.

The Bill repeals the Financial Institutions (Application of Laws) Act 1992 and the Financial Institutions (Supervisory Authority) Act 1992. This entails the winding up of the office of the ACT Registrar of Financial Institutions and the two related funds, the Supervision Fund and the Credit Unions Contingency Fund. The retained earnings of these funds will be distributed to ACT credit unions. The local credit union sector, like the national financial institution representative bodies, supports these financial system reforms. Mr Speaker, I commend the Bill to the Assembly, and I present the explanatory memorandum to the Bill.

Debate (on motion by **Mr Quinlan**) adjourned.

POSTPONEMENT OF ORDERS OF THE DAY

Motion (by **Mr Humphries**) agreed to:

That orders of the day Nos 1 to 4, Executive business, relating to the Rates and Land Tax (Amendment) Bill 1999, the Ambulance Service Levy (Amendment) Bill 1999, the Revenue Legislation Amendment Bill 1999 and the Gaming Machine (Amendment) Bill 1999 be postponed until the next day of sitting.

MENTAL HEALTH (TREATMENT AND CARE) (AMENDMENT) BILL 1999

[COGNATE BILL:

CRIMES (AMENDMENT) BILL 1999]

Debate resumed from 22 April 1999, on motion by **Mr Moore**:

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Crimes (Amendment) Bill 1999? There being no objection, that course will be followed. I remind members that in debating order of the day No. 5 they may also address their remarks to order of the day No. 6.

MR WOOD (11.52): Mr Speaker, after protracted debate, after extended debate, this Bill in its new form has general acceptance in the community. I believe it is a progressive move enhancing the legislation that we have in this most difficult area. We have had some debate today about the continuing refinement of this Bill as we have to meet the deadline imposed by the sunset clause in the current legislation. I can tell Mr Moore that, with the community, I will continue to debate these issues and to listen to the community, and it is quite possible that further amendments to this legislation could be brought forward. I had some contact last week from a group with some concern, but that contact was a little late to allow me to examine the issues and to consider whether any amendments needed to be brought forward. Indeed, some of their points were discussed at a recent meeting convened by the Minister.

I note in the speech Mr Moore circulated that he is not entirely happy with his own Bill. I quote from part of that speech:

... there are some disappointments for the Government. In removing the preventive detention provisions, the Government is concerned that the community will be denied access to a last resort where a person who is likely to cause harm to others cannot be detained under the provisions for involuntary treatment or care

That is the reason there was a protracted debate on this Bill. That is the reason it was drawn out to the very deadline imposed by the sunset clause. Mr Moore introduced a form of this Bill in November or December last year, but the Assembly declined to deal with it because of the difficult issues and because of the immediate concern in the community about the Bill. Those concerns were very much about that passage I read out.

A little while ago in this chamber, in trying to pass the buck back to the Opposition in relation to the adjournment motion, Mr Moore said that this Bill had come in so late because of the very detailed consultations. It was Mr Moore who imposed that extended debate. It was Mr Moore who disregarded significant views in the community about the Bill and had to go back and think again. That is what has happened.

Mr Moore: You know that is not true. I voluntarily went back. I voluntarily put it out to the community.

MR WOOD: Yes, I note that, but the passage I quoted indicates what your preference was. If we had held to the views expressed in that long period up to the introduction of the Bill late last year, we would not have had this delay and we would not have had this argument. Mr Moore remembers the round table convened two or three months ago. It was very effective. He will remember the total lack of support for these last resort measures that came out of that meeting, not only from mental health consumers and their representatives but also from the most senior people in this town responsible for the administration and the application of the law. Now the legislation is back on track. I was a bit perturbed when Mr Moore tried to blame the Opposition for the problem he encountered today.

Mr Moore: And I will try again.

MR WOOD: And he will try again to blame the Opposition, but without foundation. The reason this legislation has come forward so late in the piece is your first refusal to listen to the community. Now we have a Bill that is broadly acceptable. There will still be some refinement of various points. There always will be in this most difficult area. There will always be more work to do, always more arguments to settle and always new techniques to incorporate, to understand and to accommodate through legislation. But for today we support this Bill and we wish it a speedy passage through the Assembly.

MR RUGENDYKE (11.58): I rise in support of this new mental health legislation. As has been said, it has been the subject of wide consultation. Consensus has been reached on almost all issues, although there are some contentious issues within the Bill. I note with interest that at the last round table meeting a roomful of people interested in this issue agreed that there be a review of the legislation after five years. I think that is a good move. I believe that this mental health legislation will be very beneficial to the ACT community, particularly to people with mental illness. I support the legislation and commend the Bill to the Assembly.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer)(11.59): Mr Speaker, I want to make a few comments about these two Bills. First of all, at a purely technical level, I have circulated two amendments to the Crimes (Amendment) Bill of a fairly technical nature dealing with matters which were picked up in further revision of the legislation. I will deal with those when we come to the detail stage of that Bill.

Mr Speaker, I want to touch on the general issues that are inherent in the reworking of the Mental Health (Treatment and Care)(Amendment) Bill and make some points to members of this place. I particularly want to address some points to members of this place who have expressed concern about the social justice element of legislation of this kind. The history of mental health legislation is a very long one, and members of this place who have been here for a long time will recall the long and tortuous path that we have travelled to reform mental health legislation and services in this Territory over the last few years. In recent times, however, the issue has focused on the legislation's impacts on those with a mental dysfunction and the extent to which those people are properly catered for both in terms of legislative power, orders that might be made in respect of them and so on and in terms of services available for them.

I think we would all acknowledge that in the past there have been serious shortcomings in the provisions in both respects for such people. The Government foreshadowed the establishment of a secure mental health facility in order to be able to deal with a number of people whose needs simply are not catered for at the present time by our present range of facilities within the ACT. That remains a commitment of the ACT Government, although there are many issues and problems surrounding the progress of that particular proposal.

The other issue here, however, is the question of legislative power in respect of these matters. I want to make a point for Ms Tucker's benefit. I am not sure whether she is listening. There is an important point that members need to be aware of, and I hope that Ms Tucker in particular will take this particular point on board. I know members have

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seen the Government's decision to move away from the original draft amendments we put forward last year as something of a victory, as something of a win for the position of those people with mental dysfunction. Mr Wood obviously takes that view.

I want to make the point very clearly that what the Government was attempting to achieve in the circumstances of the original legislation was a way of dealing with people whom health professionals would not diagnose as people with a mental illness. I define them for the purposes of this debate as people who are mentally dysfunctional without being mentally ill. Those with a mental illness, I think, are relatively well catered for both by legislation and by the services in the ACT.

Those with a mental dysfunction are the ones who have missed out in this process in the past. One of the effects of the withdrawal of the Government from the power to make protection orders in respect of people who are mentally dysfunctional is that those people once again will be in something of a no-man's-land. Let me make it absolutely crystal clear in this debate, for the benefit particularly of Mr Wood and Ms Tucker, that people with a mental dysfunction have in the past ended up in our remand centre and in gaols because of the inadequacy of our law. The effect of the Government withdrawing from its original amendments of last year is that those people will continue to end up in those sorts of institutions.

We do not have a mechanism for picking out those people and giving them treatment which acknowledges the extent of their impact on the community and on themselves. Under the legislation which is now before the house - it is an acknowledgment of the weakness of that proposal - we do not have a means of dealing with those sorts of people if they are not diagnosable as being mentally ill. We are all aware of the problem of people being mentally dysfunctional but not being diagnosable by those who are professionals in this area as being people with a mental illness. Mentally dysfunctional people are still left out in the cold in the present circumstances. They are still people who, in some respects, will be lucky if they fall within the definition of mental illness in the opinion of an appropriate professional but who more often than not will not be defined as mentally ill but simply as mentally dysfunctional and will end up behind bars.

The ACT Government tried to avoid that state of affairs by creating a third category of person that is neither, if you like, sane nor insane but with a series of problems which I have characterised with this broad umbrella of "mental dysfunction". We tried to make special provision for those people in our original legislation. Clearly, to make provision for them was difficult, because they were not mentally ill as diagnosed by professionals and therefore could not be treated under compulsory orders as people who were mentally ill. On one argument at least, they were also not sufficiently capable of determining their own destiny and their own future such as to allow the courts to assume that they have the intent necessary to commit certain crimes, which is very often the way in which they come to the attention of authorities.

These mentally dysfunctional people will not have the capacity to seek the protection of some expanded notion of protection orders under the legislation as it now stands, and they will not have the capacity to be treated as mentally ill, because they are not diagnosed as mentally ill. If they come to the attention of the courts, as is very often the

case - in fact, that is very often how their problem is identified - they will end up behind bars. They will be in gaol, whether it is in the remand centre or it is in a prison in New South Wales somewhere.

Before members of this place run out to the community and beat their chests and say, "Aren't we good boys and girls that we have achieved this great backdown by the Government from these proposals? We have stopped them with these draconian provisions that would have people who are mentally dysfunctional put away inside special care facilities when they have not done anything wrong according to the law and they are not mentally ill". Consider this question: What happens to these people now? Where will they go in the future if we are unable to make provision for their particular circumstances?

I hope Ms Tucker or Mr Wood will respond to those issues in the course of this debate. I am mainly concerned about those sorts of people. They are a regrettably large body of individuals within our community. They are people with severe problems and needs which simply are not addressed at the present time by our system. Our attempt to deal with their needs clearly failed. Even though it was the view of an earlier Assembly committee that we should approach this matter in this kind of way, that approach has clearly not won support on the floor of the Assembly. We have to come back and find a different way of dealing with these people's problems. Our approach obviously was not going to work. That is the view of the Assembly. We have seen the writing on the wall and moved away from it.

I would welcome from Ms Tucker or Mr Wood some indication of what they see as a solution for these people, because knocking over the Government's proposal is not a complete answer. It is simply saying, "We do not like option A". We need to know what option B is.

MS TUCKER (12.08): I would be more positive than Mr Wood probably has been on how this process is being managed. While I recognise that the Government's original proposal was significantly changed, I am not interested in judging whether the Government's motivation for the original proposal was good or bad or whatever. It was how it was, and there were no doubt good intentions behind it.

I will respond straightaway to Mr Humphries' reference to the language of victory. He said that we were running out, beating our chests. It is really not like that for me, Mr Humphries, believe it or not. It is about trying to address the various rights and concerns that are expressed in the community.

I believe Mr Wood would have listened to the various concerns that have been expressed. Of course there are legitimate concerns about the particular groups Mr Humphries outlined. I think he said it himself to a degree. He said these people have severe needs that are simply not addressed by our present system. He seems to want me to give a definitive statement on how those needs should be addressed, which I do not think is a realistic request. At the round tables I listened to people with expertise, eminent people in our community, as well as consumers and carers who have grave concerns about this.

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How within our society and our community we address the needs of these sorts of people is an ongoing debate and discussion in which I am very willing to participate. What was clear was that there were critical legal issues in this piece of legislation. At that round table we had Richard Refshauge, Rosemary Follett, the Community Advocate and Ron Cahill. As an elected representative, I listened to them, because I believe they have experience and expertise.

I agree that the people to whom Mr Humphries referred are falling through the cracks, as are other people. They are certainly the people politicians often see. These people have real needs. I am not disagreeing with you that there are big problems for society in this. It was clear from the consultation that occurred that it was not the view of the people who work in the field that that the Minister's way of dealing with the problem through the legislation was the way to deal with it.

I am quite genuinely willing to participate in further discussions about how we deal with these sorts of people. In fact, yesterday a woman visited me about her child. I will be speaking to Mr Moore about this instance. This boy will probably grow up to be the sort of person that Mr Humphries has referred to. Here we have an opportunity to work together, as I want to do with Mr Moore, about this boy, who is only 13 years old. We could now talk together about this boy and, as a society, find ways through our government agencies to address the issues sooner rather than later. As Mr Humphries said, if it is not sorted out early it will often mean gaol or something like that. This is about putting a strong focus on prevention and intervention and being aware of these problems in particular individuals before they become a crisis in the community and therefore very extreme action becomes necessary.

As a result of the consultation and the round table, as I have said and as other members have said, there have been significant changes to the original proposal. I do not think any of us could say with confidence that this is a perfect piece of legislation. I believe there will be a critical need for a review later to look at how it is working.

I have had a number of consumers contact me with specific concerns, and I would like to get those concerns on the record. There seem to be very different views of ECT therapy from consumers and professionals. Basically professionals see this sort of therapy as similar to any other treatment. This is not the view of many consumers who have talked to us. I know that there is concern in the community about how the legislation frames the requirements around the use of that particular treatment. I am certainly going to keep a close eye on how that works.

Concern has been raised about whether or not more definition should be given to social and financial harm and whether an adjective such as "significant" or "serious" should be put in front of the word "harm". I know there has been discussion of that, and it was agreed that there was not a problem in removing the adjective "significant" or "serious". I think that is also something that we need to keep an eye on as this legislation is put into practice.

I think I will just conclude there. I do hope that we will be able to work together on a number of these issues. While we will have legislation in place and we will need to keep an eye on how it is working, the ongoing issues around service provision cannot be separated from this discussion and from the legislation. I am sure the Assembly will be

having discussions on many occasions about how services in this area are delivered. Mr Moore has developed a strategic plan, and I believe an implementation program is on the way. Hopefully, we will be able to work together on seeing that that works for the benefit of the community.

MR MOORE (Minister for Health and Community Care)(12.15), in reply: Members, I would like to express my appreciation for your support for this legislation. It has been quite a long, hard road. I would make just one very minor point about timing and this legislation being available during this sitting period. It was not an entirely appropriate thing. Members may remember that when I introduced the extension of time on 8 December last year the Government was ready to debate the issue then and there. That is worth remembering, Mr Wood, in light of what you have implied this morning - that somehow this delay is the responsibility of the Government. I do not believe that is true. I think it is a joint responsibility. We agreed that we would delay this legislation and that we would put in a sunset clause of 30 June 1999. In fact, I said at the time that I was sure that this would provide sufficient time to consider the substantive amendments. I also said:

Mr Speaker, I do so having spoken to Mr Wood and Ms Tucker, who indicated that they would like more time to look at what is a very complex piece of legislation.

To be fair, taking away the angst of the adjournment of a debate on a no-confidence motion, it is worth getting on the record that this process has been entirely appropriate and its timing has been entirely appropriate to ensure that we have the legislation done before the end of the sitting period. When I brought this legislation up, I had six sitting days up my sleeve. I always intended to do it today, on the first day of this sitting period.

That having been said, I appreciate the amount of effort that people like Mr Rugendyke, Ms Tucker and Mr Wood put into this legislation. It has been a very difficult process, as far as I am concerned. We had to look for compromises. I had to take those compromises back through Cabinet and even make some amendments that were sought by the Community Advocate to ensure the role of the Community Advocate was appropriately dealt with in the legislation. I am very pleased that members have agreed to that. I think it was self-evident, once it had been suggested to us, and it was non-controversial. Nevertheless, there have been important amendments.

Mr Speaker, while we are at the in-principle stage I will just indicate the areas to which other amendments apply, because I intend to move them together. The community treatment of persons subject to mental health orders will be dealt with, and the notification of the office of the Community Advocate will be tied in in a whole series of ways. At our very last meeting, which was held in the Assembly reception area only a couple of weeks ago, it was requested that the review of the Act take place after five years instead of after 10 years. We have accepted that. Access to the Mental Health Tribunal is dealt with, and there will be a series of minor technical amendments.

Mr Speaker, the legislation is not as the Government would have wanted it when it originally introduced its legislation. Mr Humphries has spoken to that. But I think it is still a major step forward. I appreciate the effort and time that members have put into

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dealing with it. It is notable that members, with the exception perhaps of Mr Kaine, have recognised that this piece of legislation is more important than going into recess over a no-confidence motion. In fact, it is more important than the no-confidence motion itself to most people in the community concerned with mental health issues. I am sure those people will appreciate that having the appropriate legislation in place is entirely correct.

I look forward to this Government gazetting this legislation next Wednesday, or perhaps before next Wednesday. When we get to the detail stage, I will be moving my amendments, to which members have indicated their agreement.

Question resolved in the affirmative.

Detail Stage

Bill, by leave, taken as a whole.

MR MOORE (Minister for Health and Community Care)(12.20): Mr Speaker, I ask for leave to move the 15 amendments circulated in my name together.

Leave granted.

MR MOORE: Mr Speaker, I move:

Clause 6, page 2, line 17, paragraph (c), proposed new definition of “community care facility”, omit the definition, substitute the following definition:

“ ‘community care facility’ means -

- (a) a facility, or part of a facility, for the care, protection, rehabilitation or accommodation of mentally dysfunctional persons; or
- (b) a prescribed psychiatric institution or a prescribed part of a psychiatric institution;

but does not include a facility the principal purpose of which is for the detention of persons sentenced to imprisonment;”.

Clause 13 -

Page 5 -

Line 11, proposed new paragraph 26 (1) (b), omit “admitted to and detained in a mental health facility”, substitute “subject to involuntary psychiatric treatment”.

Line 37, proposed new subsection 27 (1), insert “his or her health or safety or” before “public”.

Page 6, line 20, proposed new paragraph 28 (4) (b), omit the paragraph, substitute the following paragraph:

- “(b) in the case of a community care order, specify that the person is -
- (i) to be given or provided care and support; or
 - (ii) to undertake a counselling, training, therapeutic or rehabilitation program.”.

Page 7 -

Line 2, proposed new subsection 28 (8), insert “and the community advocate” after “Tribunal” (last occurring).

Line 14, proposed new paragraph 29 (1) (a), insert “, or undertake a counselling, training, therapeutic or rehabilitation program,” after “support”.

Line 24, proposed new paragraph 29 (2) (a), insert “and the community advocate” after “Tribunal”.

Line 26, after proposed subsection 29 (2), insert the following subsection:

- “(2A) A determination shall be in writing.”.

Clause 15, page 8 -

Line 24, proposed new paragraphs 32 (3) (a) and (b), omit the proposed paragraphs, substitute the following paragraphs:

- “(a) enter the fact and the reasons for the involuntary seclusion in the patient’s record;
- (b) inform the community advocate in writing within 24 hours after the person is subjected to involuntary seclusion; and”.

Line 31, proposed new subsection 32 (4), insert “and the community advocate” after “Tribunal”.

Clause 16, page 9, line 13, proposed new subsection 32A (2), insert “and the community advocate” after “Tribunal”.

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Clause 44, page 21, lines 7 and 10, proposed new paragraphs 146A (a) and (b), omit "10", substitute "5".

Schedule 1 -

Page 22, line 30, proposed amendment of section 32, omit the proposed amendment, substitute the following amendment:

"Section 32 -

- (a) Omit 'paragraph 27 (2) (a)', substitute 'subsection 26 (1)'.
- (b) Omit 'custodian' (wherever occurring), substitute 'chief psychiatrist or care coordinator (as the case requires)'."

Page 23, line 2, after the proposed amendment of paragraph 33 (1) (a), insert the following proposed amendments:

"Paragraph 33 (1) (c) -

Omit 'custodian', substitute 'chief psychiatrist or care coordinator (as the case requires)'.

Subsection 33 (1) -

Omit 'custodian' (second occurring), substitute 'chief psychiatrist or care coordinator (as the case requires)'.

Subsection 33 (2) -

Omit 'custodian', substitute chief psychiatrist or care coordinator (as the case requires)'.

Section 34 -

Omit 'a custodian', substitute 'the chief psychiatrist or care coordinator (as the case requires)'."

Page 23, line 8, proposed amendments of subsections 41 (1) and (2), omit the proposed amendments.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

CRIMES (AMENDMENT) BILL 1999

Debate resumed from 22 April 1999, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer)(12.22): Mr Speaker, I seek leave to move two amendments circulated in my name together.

Leave granted.

MR HUMPHRIES: I move:

Clause 30, page 12, line 36, proposed new subsection 428W, paragraph (d), subsection (8), omit the subsection.

Clause 31, page 13, line 29, after proposed new subsection 428WA (2), insert the following subsection:

“(2A) If, under subsection (2), the Magistrates Court is satisfied that it is more appropriate to order that the accused submit to the jurisdiction or the tribunal to enable the tribunal to make a mental health order, it shall make an order to that effect.”

I present the supplementary explanatory memorandum to the Government’s amendments to the Bill. I also present, for ease of consideration, my speaking notes in respect of those amendments. They are minor matters, and I put them on the record accordingly.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to

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CONSIDERATION OF EXECUTIVE BUSINESS

Suspension of Standing and Temporary Orders

Motion (by **Mr Humphries**) agreed to, with the concurrence of an absolute majority:

That so much of the standing and temporary orders be suspended as would prevent order of the day, Executive business, relating to the Financial Sector Reform (ACT) Bill 1999 being called on forthwith.

FINANCIAL SECTOR REFORM (A.C.T.) BILL 1999

Debate resumed.

MR QUINLAN (12.24): Mr Speaker, the Opposition has no problem with this Bill. We realise that it is part of nationally uniform legislation, and we also accept that it needs to be in place by 30 June and that other jurisdictions who have passed this legislation previously need to be advised of that fact, so we commend the Bill to the house.

MS CARNELL (Chief Minister and Treasurer)(12.24), in reply: Mr Speaker, I am happy that the Assembly supports this legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ESTIMATES 1999-2000 - SELECT COMMITTEE

Report on the Appropriation Bill 1999-2000

MR CORBELL (12.24): Mr Speaker, pursuant to order, I present the report of the Select Committee on Estimates 1999-2000, entitled "Appropriation Bill 1999-2000", together with the minutes of proceedings. I move:

That the report be noted.

I indicate to the Assembly that on the resumption of this debate I will be seeking leave to speak to the report.

Debate (on motion by **Mr Humphries**) adjourned.

ADJOURNMENT

MR STANHOPE (Leader of the Opposition)(12.25): Mr Speaker, I ask for leave to move a motion to adjourn the Assembly.

Leave granted.

MR STANHOPE: Mr Speaker, I move:

That the Assembly do now adjourn.

Comment about Australian Labor Party Members

MR QUINLAN (12.25): I want to hark back to Mr Rugendyke, who earlier today, with a great sweep of the hand, said that all the ALP and those on this side of the house were the loony Left. I have to advise that Mr Berry has now commenced calling me “comrade” at every opportunity. I wish to defend my very good friends and colleagues in the Left faction. They are certainly not loony, but I also have to say that I am not one of them.

Opposition Vote on No-Confidence Motion

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer)(12.26): Mr Speaker, without reflecting on an earlier vote of the Assembly, I want to hark back to something that was mentioned earlier about precedents. I note that members opposite made disparaging references to the motion of no confidence that was dealt with in the Assembly on 7 June 1990. I think Mr Wood described it as not a serious motion. That is an interesting comment. I looked at the *Hansard* for that particular day, and guess who supported this not very serious motion? Mr Wood did, Mr Berry did, Mr Connolly did and Ms Follett did. This motion which was not serious was supported by the Labor Party. It was supported by almost all members of the Labor Party but not by all of them. That particular day Mrs Grassby, who was then a member of the parliamentary Labor Party in the ACT, crossed the floor to vote against the motion. Perhaps that is a sign of what might happen with the motion to be dealt with on 30 June.

Question resolved in the affirmative.

Assembly adjourned at 12.27 pm until Wednesday, 30 June 1999, at 10.30 am.

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ANSWERS TO QUESTIONS

Housing – Statistics (Question No. 97)

Mr Wood asked the Minister for Urban Services, upon notice:

(3) For each of the following dwelling type -

- (a) 2 bedroom house;
- (b) 3 bedroom house;
- (c) 4 bedroom house;
- (d) bedsitter flat;
- (e) 1 bedroom flat;
- (f) 2 bedroom flat;
- (g) 1 bedroom aged persons unit; and
- (h) 2 bedroom aged persons unit.

What is the average wait-turn time, by each regional office area, as at 28 February 1999

Mr Smyth: The answer to the Member's questions is as follows:

(3) See table below for the average wait time (months) for properties allocated in the 12 months to 31 March 1999 by regional office and the above dwelling types.

ACT Housing reports allocation figures on a quarterly basis.

DWELLINGTYPE	BELCONNEN	CITY	TUGGERANONG	WODEN
2 bedroom house	10.7	10.1	19.2	9.5
3 bedroom house	5.0	4.1	9.2	8.8
4 bedroom house	7.0	7.3	12.6	15.9
Bedsitter flat	*	1.9	*	1.1
1 bedroom flat	12.0	5.6	20.6	4.0
2 bedroom flat	4.0	2.0	13.2	2.5
1 bedroom older peoples' accommodation	5.4	11.7	33.8	20.8
2 bedroom older peoples' accommodation	2.8	4.3	12.1	14.4

* There are no bedsitter flats in Belconnen or Tuggeranong

Housing – Payments

(Question No. 121)

Mr Quinlan asked the Minister for Urban Services, upon notice:

In relation to the payment options to ACT Housing-

- (1) Is it true that payments can no longer be made at Australia Post outlets and if so, when and how was this decision made known to ACT Housing residents.
- (2) What is (a) the cost to the ACT Government of having payments payable through Australia Post and (b) can this figure be broken down to a per transaction level.
- (3) What payment options remain for ACT Housing residents.
- (4) Is it the case that a direct debit option is available to Housing residents and if so,
 - (a) what security mechanisms are in place to ensure that there is no additional access to the clients financial affairs, bank accounts etc; and
 - (b) what additional costs are incurred or are likely to be incurred by the client on the transaction.
- (5) How many complaints have been received by your department and/or office regarding the waiting time at shop fronts associated with making payments

Mr Smyth: The answer to the Member's questions is as follows:

- (1) Yes. The ability of ACT Housing tenants to pay their rent and sundry debts at Australia Post outlets ceased as from 1 March 1999.

ACT Housing notified government tenants of the cessation of the contract with Australia Post as follows:

September 1998 - a personal letter was sent to each tenant.
October 1998 Tenants Newsletter - an article was included.
January 1999 Tenants Newsletter - an article was included.
February 1999 - a personal letter was sent to each tenant.

- (2)(a) the cost to ACT Housing depended on the number of transactions. There was an average of 11,000 transactions per month that cost ACT Housing approximately \$250,000 per annum.

(b) each transaction cost was \$1.76 plus \$0.27 if the payment was made by cheque.

- (3) Bank direct debit
Centrelink deduction
EFTPOS at Austouch kiosks
Personal payments at Government shopfronts
Mail payment (cheque)

In addition, investigations are being undertaken into the provision of Bpay as a payment option.

- (4) Yes.
 - (a) The Direct Debit Authority signed by the tenant strictly limits the deduction of agreed amounts from their bank account to be paid to ACT Housing.
 - (b) None. If, however, there are insufficient funds in the tenant's account when the bank makes the deduction they may attract a dishonour fee. It is understood that each bank, credit union and building society has independent policies regarding charging dishonour fees in these instances.
- (5) Of the 146,000 transactions processed at shopfronts during March and April 1999, there have been 47 official complaints about the queue waiting times at shopfronts for the same period.

Elective Surgery

(Question No. 128)

Mr Stanhope asked the Minister for Health and Community Care, upon notice, on 20 April 1999:

In relation to elective surgery strategy:

In the executive contract with the CEO Department of Health and Community Care, tabled recently in the Assembly, the performance agreement provides for the “finalisation and implementation of elective surgery strategy, including application of CUT funds to reduce long waits”. Can the Minister advise me of.

- (1) the targeted priority waiting lists.
- (2) the commencement date for this strategy.
- (3) the anticipated CUT allocation for this purpose.
- (4) the benchmarks to be applied for measuring the effectiveness of the strategy.
- (5) the amount of CUT funding previously allocated to reducing ACT hospital waiting lists.
- (6) the anticipated date for the expenditure of all CUT funds.

Mr Moore: The answer to the Member's question is:

- (1) The Critical and Urgent Treatment (CUT) incentives funding of \$16.4m was provided to the ACT by the Commonwealth to reduce patient waiting times for access to elective surgery in our public hospitals.

To date, waiting lists in orthopaedics, general surgery, neurosurgery, vascular surgery, urology, gynaecology and plastic surgery have been targeted for reductions using CUT funds. In those specialities, priority has been afforded firstly to long wait patients in category one followed by category two long waits and then those waiting in category three.

- (2) Strategies in place to reduce inappropriate waiting times for elective surgery include:

Improving the physical capacity of ACT public hospitals including stage 1 of a major refurbishment program at Calvary Hospital (1998-99 Capital Works Program - \$10m) and day theatre development at The Canberra Hospital (1999-2000 Capital Works Program - \$850,000);

Additional throughput pool (\$3m per annum. since 1996-97) and CUT incentives funding (\$6m in 1998-99, \$3m in each of 1999-2000 and 2000-01) to target long waits for elective surgery;

Changes in purchasing practices. Example: purchasing most orthopaedic work at the Calvary Hospital and contracting for some plastic and ophthalmic procedures from private sector providers;

Re-directing public patients to common waiting lists where this is appropriate;

Refining the clinical priority assessment process;

Improving theatre utilisation. Example: each hospital has implemented a theatre management system for common booking and management of theatre lists;

Improving hospital admission and discharge practices. Example: by implementing a day of surgery admissions for elective surgery protocol;

Improving the management of waiting lists including regular audits of lists to determine the status of persons on the list; and

Other major waiting list related initiatives such as development of a unique patient identifier (the Patient Master Index), the Hospital in the Home Program, and development of an ACT Health Services Plan.

The Department is currently working to bring together all these elements under an Elective Surgery Strategic Management Plan.

- (3) Some \$6m in CUT funding has been committed in this financial year towards the reduction of elective surgery waiting lists and it is currently planned that the balance of these funds be carried forward into future years to facilitate the development of longer term purchasing strategies to deal with the waiting list situation. Additional funding of \$3m will be allocated from CUT funds in 1999-2000 and 2000-01 to bring total additional throughput funding to \$6m in each of those years.
- (4) As a result of targeting long wait patients seeking urgent elective surgery, I expect waiting lists for these patients to significantly reduce over time - this along with patient waiting times is our benchmark for measuring success or failure. My goal is to firstly have no one waiting longer than the clinically desirable time of 30 days in category one (most urgent cases). I am pleased to inform of some success in this regard - Calvary Public had only one long wait patient at the end of March 1999 and expects to report nil at the end of April. The Canberra Hospital too has made some good progress since December last year by reporting close to 50% reduction in category one long waits (from 40 at the end of Dec 1998 to 22 at the end of March).

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- (5) Funds totalling approximately \$6.0m have already been committed against the CUT funding. The particulars are as follows:

\$1.5m for the purchase of additional elective surgery throughput (mainly in orthopaedics) from Calvary Public Hospital;
\$ 1. 1 m for the purchase of additional elective surgery throughput in orthopaedics, neurosurgery and vascular surgery from The Canberra Hospital;
\$87,107 for the purchase of additional elective plastic surgery throughput from Lidia Perin Memorial Hospital;
\$2.4m for the purchase of surgical instruments;
\$250,000 for the recruitment and retention of mental health nurses;
\$180,000 for a program designed to reduce the incidence and potential complications of asthma; and
\$500,000 to The Canberra Hospital's Intensive Care Unit.

- (6) I plan to spread the use of CUT funds over the next two to three financial years. I believe that this is the right approach as it will become aligned with our longer term aim which is to build the capacity of the ACT public hospital system to allow it to effectively and efficiently manage elective surgery waiting times and waiting lists.

**Intensive Care Unit – Recovery Costs
(Question No. 130)**

Mr Stanhope asked the Minister for Health and Community Care, upon notice, on 20 April 1999:

In relation to the NSW Intensive Care Unit (ICU) recovery costs

- 1) How much do NSW ICU patients cost the ACT in real terms per patient per annum.
- 2) How much has the ACT (a) recovered from and (b) paid to NSW for ICU services over
 - I. the past three years; and
 - II. the year-to-date
- 3) Is the delivery of these cost-intensive services contributing to the significant budget blow-out at The Canberra Hospital

Mr Moore: The answer to Mr Stanhope's question is:

(1) The cost of treatment of NSW patients who require intensive care as part of a hospital stay in the ACT is not a separate charging category within the hospitals and can not be fully costed with accuracy. There is data available on the number of hours for patients in critical care for both hospitals, and a NSW split has been identified for each of these.

Data on the number of NSW patient hours for 1997-98 is set out below:

	NSW Intensive Care Unit Patient Hours
The Canberra Hospital - Intensive Care Unit	28,010
The Canberra Hospital - Cardiac Care Unit	28,787
The Canberra Hospital - Neonatal Intensive Care Unit	25,099
Calvary Hospital	10,896

Under the purchasing arrangements between the Department of Health and Community Care and the two public hospitals, each hospital is paid a per diem. price, which is a price paid for each twenty four hours of care in the critical care setting. The AN-DRG weighting is then discounted to remove the critical care component which is paid for separately.

The per diem price for ICU is paid regardless of whether the patient is a resident of the ACT or NSW.

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(2) It is not possible to provide even a reasonably accurate response to this question. Payments to and from NSW are predicated on a casemix based price which does not separately identify and pay for critical care hours. Rather, the cost weights for particular diagnosis related groups (DRG's) include weightings that take into account the critical care component.

(3) It is not possible to argue that NSW residents as opposed to ACT residents are the cause of any cost overruns in The Canberra Hospital because the total hours of critical care used in the hospital are paid for on a per diem basis regardless of residential status, as I explained in my response to question one.

Members should however be aware of the following:

- The Australian Health Care Agreement does not allow the ACT to discriminate against the citizens of other states requiring care in its hospitals.
- The costs of running our public hospitals are higher than any other State/Territory and we have been for some time attempting to find out why this is so.
- The current price paid by NSW was established through arbitration and the ACT is continuing negotiations with NSW for a more favourable funding arrangement.
- ACT residents have historically tended to use more intensive services in the Sydney metropolitan hospitals than NSW residents use in the ACT.

Health Services – Delivery Costs

(Question No. 131)

Mr Stanhope asked the Minister for Health and Community Care, upon notice, on 20 April 1999:

What is the cost of the delivery of NSW health services to ACT patients over
(1) the past three years; and
(2) the year- to-date.

Mr Moore: The answer to the Member's question on what is the cost of delivery of NSW health services to ACT patients over the past three years is:

Under the Australian Health Care Agreement (AHCA), NSW and the ACT have developed arrangements for reimbursing each other for the cost of services to each other's residents.

For ACT payments to NSW, these funding arrangements cover:

- public hospital inpatients (both public and private patients);
- non-admitted patients, and
- emergency department attendances.

In 1997/98, ACT residents accounted for 3,710 weighted inpatient episodes in NSW public hospitals, the majority of these taking place in Sydney metropolitan hospitals.

The weighting is based on the casemix complexity of each episode. The average weighting for ACT episodes in NSW public hospitals is higher than the average weighting within the ACT's public hospitals.

The ACT reimburses NSW for these services according to a formula agreed each year, which is based on: the number of separations, weighted by their casemix complexity, multiplied by the agreed price.

In fact, no actual payment is transferred as the amount is deducted from the amount due to the ACT for NSW patients treated in the ACT.

The relevant amounts for the last three years are in the table below. No data is available yet for 1998/99.

In addition, there are small amounts reimbursed for non-admitted patients and emergency department attendances. The non-admitted patient amount of \$370,000 was arbitrated by the Commonwealth in 1997.

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The Department is currently undertaking work cooperatively with NSW Health, in the estimation of usage, and costing of both non-admitted and emergency department services. This will allow a better informed and more accurate costing of these services from 1998/99.

1995-96

		Cost Weight Separations	Price	Cost
Inpatients	Public	2428	\$2,454	\$5,958,312
	Private	781	\$1,123	\$877,063
	Sub total	3209		\$6,835,375
Emergency Outpatients		2913	\$2,454	\$500,395
TOTAL				\$7,705,770

1996-97

		Cost Weight Separations	Price	Cost
Inpatients	Public	2583	\$2,502	\$6,462,666
	Private	796	\$1,145	\$911,420
	Sub total	3379		\$7,374,086
Emergency Outpatients		2570	\$2,502	\$450,110
TOTAL				\$8,194,196

1997-98

		Cost Weight Separations	Price	Cost
Inpatients	Public	2887	\$2,536	\$7,321,432
	Private	823	\$1,160	\$954,680
	Sub total	3710		\$8,276,112
Emergency Outpatients		1834	\$2,536	\$325,572
TOTAL				\$8,971,684

Intensive Care Unit – Cost of Beds

(Question No. 132)

Mr Stanhope asked the Minister for Health and Community Care, upon notice, on 20 April 1999:

In relation to the cost of Intensive Care Unit (ICU) beds

- (1) What is the cost for each patient transferred between the National Capital Private Hospital and The Canberra Hospital since 5 October 1998.
- (2) Will this arrangement be ongoing, and if so, what is its anticipated duration.

Mr Moore: The answer to the Member's question is:

- (1) The cost for each patient transferred since 5 October 1998 follows:

\$14,735.20
\$12,963.05
\$3700
\$3700
\$1907
\$1850
\$1850
\$1850
\$1850
\$1850
\$1287
\$1250
\$1250
\$1075
\$1250
\$1250
\$750

- (2) The original agreement with The National Capital Private hospital expired on 31 December 1998 and there is no formal ongoing arrangement for the transfer of patients.

However where there is a Canberra Hospital patient who needs an Intensive Care bed, and the patient cannot be accommodated in the TCH ICU or feasibly transferred to another local or interstate ICU, arrangements for using The National Capital Private Hospital's ICU will be pursued. This will be on a case by case basis.

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While every effort is made to return patients to TCH ICU as soon as possible in October/November 1998 two patients did stay at NCP11 ICU for 7 and 8 days respectively. At this time the TCH ICU was regularly full and there were inadequate numbers of staff to open the numbers of beds required. It was for this reason that I approved and arranged the use of TNCM ICU as an overflow. In the main, stable TCH ICU patients were then able to be transferred to TNCM and transferred back to TCH ICU when the staffing situation improved. Staff shortages could, in some cases, last a number of days and although TCH ICU patients were being discharged the requirement for ICU beds from aeromedical retrieval and other sources continued unabated.

Inner City Revitalisation Project

(Question No. 135)

Mr Stanhope asked the Chief Minister, upon notice:

In relation to the inner city revitalisation project

- (1) What are the names of the organisations who have successfully applied for assistance under the inner city revitalisation project over the past six months.
- (2) How much has this project cost over the past 12 months in real terms in relation to
 - (a) direct financial assistance; and
 - (b) income forgone in relation to remission of the change of use charge, waiver of stamp duty, development application fees and other related waivers.

Ms Carnell: The answers to the Member's questions are as follows:

I understand the Member is referring to the Civic Revitalisation program. In the 1997-98 Budget I announced a series of incentives under the Civic Revitalisation program to assist in bringing forward the redevelopment of redundant office buildings in Civic. The program commenced on 1 July 1997 and its key initiatives were

- waiver of the Development Application fees, until 30 June 1999
- a 100% remission of any Change of Use Charge, until 30 June 1999
- a once only waiver of stamp duty for each residential unit valued at less than \$250,000, until 30 June 2001

The area covered by the package of incentives is the Commercial Land Use Policy Area, Civic, and the Northbourne Avenue Corridor, as defined by Parts B2A and B2E of the Territory Plan. The incentives are for redevelopment of 'B' class office stock (this includes demolition and re-building) which have a lease purpose predominantly for 'offices'.

- (1) To date, 5 projects have been deemed eligible under the Civic Revitalisation program. These are the "Waldorf" development in the former Wales Centre, the Melbourne Building, the Jolimont Centre, and the MMI Building in Northbourne Avenue. In respect of stamp duty waivers only, the "Holiday Inn" project on Northbourne Avenue was eligible.

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(2)

- (a) There is no direct financial assistance given under the program.
- (b) With regard to the remission of Change of Use Charge, \$551,000 has been remitted. To date, 77 waivers of stamp duty have been approved for a total of \$446,320. Development Application fees to the value of \$1170 have been waived.

Mentally Ill People

(Question No. 137)

Mr Stanhope asked the Minister for Health and Community Care, upon notice:

In relation to the rights of mentally ill people---

- (1) Were you consulted by the Attorney-General about amendments to the Mental Health (Treatment and Care) Act 1994 that will allow for people to be detained in custody under the Act and appear before the Mental Health Tribunal by audio-visual link? If so-
 - (a) were you advised by your department or The Canberra Hospital about the implications for mentally ill people detained at the psychiatric unit of The Canberra Hospital giving evidence to the Mental Health Tribunal by audio-visual link rather than in person; and
 - (b) can a copy of the advice be provided?
- (2) Did you consult with any non-government mental health advisory groups on this matter?
- (3) Can you confirm the advice of the Attorney-General to the Assembly on 25 March 1999, page 103 of proof *Hansard*, that hearings of the Mental Health Tribunal concerning people detained at The Canberra Hospital with a mental illness are held at the Magistrates Court?
- (4) Are you satisfied that all mentally ill people will be able to communicate as effectively with the Mental Health Tribunal via audio-visual links as they might in person, and if so, on what basis did you come to this conclusion?
- (5) Have you received professional media training designed in part to assist in more effectively communicating by electronic audio-visual means? If so-
 - (a) was this training taxpayer funded; and
 - (b) can you advise whether your need for training indicates that people, including those with a mental illness, will not necessarily be as able to effectively communicate with the Mental Health Tribunal as if they were appearing in person?
- (6) Is it the case that some people with a mental illness will be disadvantaged as a result of not being able to choose to appear before the Mental Health Tribunal in person.

Mr Moore: The answer to the Member's question is:

- (1) Under the Administrative Arrangement Orders, pursuant to which Ministers are allocated responsibility for portfolio matters and the administration of various Acts, it is the Attorney General, Mr Humphries MLA, and not the Minister for Health and Community Care, who is responsible for Part 9 of the *Mental Health (Treatment and Care) Act 1994* ("the Mental Health Act"). Part 9 of the Act deals with the membership of the Mental Health Tribunal ("the Tribunal") and the procedures adopted by the Tribunal.

As a member of the Government, I was aware of and endorsed the changes to Part 9 of the Mental Health Act made by the *Evidence (Amendment) Act 1999* and the *Courts and Tribunals (Audio Visual and Audio Linking) Act 1999*.

It is important to note that the provisions, insofar as they affect any person involved in a proceeding before the Tribunal, only permit the Tribunal to give a direction authorising the use of audio or audio visual facilities for a party to appear before it, if it is satisfied that to do so would not be unfair to any party who opposes the use of such facilities. As a further protection, Section 141 of the Mental Health Act provides for the right of appeal to the Supreme Court against any decision of the Tribunal.

- (a) Neither the Department of Health and Community Care nor The Canberra Hospital provided advice to the Minister on the implications for mentally ill persons giving evidence to the Tribunal via audio visual links rather than in person. The new provisions which enable the Tribunal to access evidence via audio visual links would only be used where the Tribunal is confident that the person subject to the proceedings is comfortable with appearing by audio visual link and that the use of the electronic link is fair given the circumstances.

It is unlikely that the Tribunal will use audio visual links for hearings except in specific rare instances. The current operations of the Tribunal, which favours face-to-face hearings, provides an atmosphere that is as informal as possible in order to ensure that the person subject to the Tribunal's proceedings is as comfortable as possible given the circumstances of the hearing.

- (b) As referred to above in (a), no advice was provided to the Minister, on this matter by the Department of Health and Community Care or The Canberra Hospital.
- (2) I did not consult with any non-government mental health advisory groups on this matter as I did not see the need for such consultation. This, and the other questions asked by Mr Stanhope, appears to be predicated on the assumption that some disadvantage will result for persons who have a mental illness from there being a capacity for the Tribunal to allow appearances by audio visual links.

It is difficult to see how a person who is the subject of a Tribunal proceeding would be disadvantaged, given that the Tribunal cannot give a direction for the use of audio or audio visual links to be used if it considers that to do so would be unfair to any party opposing the making of the direction.

(3) Proceedings of the Tribunal are held at the Magistrates Court building and at The Canberra Hospital. The location of a proceeding is dependent upon whether the person who is the subject of the proceeding is able to attend at the Court building. Where a person is the subject of an emergency detention order and, consequently, detained at The Canberra Hospital, the Tribunal convenes at the Hospital for the proceeding.

(4) It is not contemplated that many, if any, mentally ill people will apply to appear before the Tribunal by audio or audio visual link. It is quite possible that such persons would not feel comfortable appearing in this way and will, instead, prefer to appear in person. This is a factor the Tribunal will have to consider if it proposes to make an 'own motion direction' for the appearance of a person using an audio or audio visual link. Any such motion would be dependent on the Tribunal being satisfied that the evidence or submission of a person could more conveniently be given or made from a place other than the Magistrates Court. If the Tribunal considered that the use of audio or audio visual links would inhibit a mentally ill person, or would otherwise detract from his or her ability to participate in a proceeding, this would be an important consideration in deciding whether the Tribunal could give such a direction.

(5) I have received professional media training. Like many members, I feel there is value in media training. It is important that the Government is able to communicate effectively with the community it serves.

(a) The professional media training was paid for out of the office expenses budget for the Minister for Health and Community Care for 1998-99. A total of \$1,400 has been used for this purpose in the current financial year.

(b) The Mental Health Tribunal seeks to achieve the most positive outcomes for persons subject to Tribunal proceedings. The use of audio or audio visual links would only be used where all parties to the proceedings were comfortable to proceed by electronic means and the Tribunal was confident that a fair outcome could be achieved. Where a person subject to Tribunal proceedings is not comfortable with appearing via electronic means or the Tribunal does not believe that it can make a sound decision based on electronic evidence, the Tribunal would proceed with a face-to-face hearing. At all times, the Tribunal would be required to consider the best option for the person subject to the proceedings.

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- (6) Persons with a mental illness have not been disadvantaged by introduction of the ability of courts and tribunals to consider evidence gained via audio or audio visual links. Built into the provisions which enable the Tribunal to direct the appearance before it of a person via audio or audio visual link, is the requirement that the Tribunal must first be satisfied that any such direction would not be unfair to a party opposing the making of the direction.

**Aboriginals and Torres Strait Islanders – Alcohol and Drug Services
(Question No. 138)**

Mr Stanhope asked the Minister for Health and Community Care, upon notice, on 20 April 1999:

In relation to alcohol and drug services for Aboriginal and Torres Strait Islander (ATSI) people in the ACT:

- (1) How many ATSI people live in the ACT.
- (2) Are there specific directed alcohol and drug services for ATSI people in the ACT, if so
 - What are the services;
 - how many specialist staff do they employ; and
 - What is the level of funding allocated.
- (3) What is the comparison between funding for ATSI and non ATSI drug and alcohol services.
- (4) What proportion of ATSI people with a drug and alcohol abuse problem are assumed to access mainstream drug and alcohol programs.
- (5) What consultation has been undertaken with ATSI people or organisations in the ACT about the adequacy of ATSI drug and alcohol programs.

Mr Moore: The answer to the Member's question is:

- (1) According to the Australian Bureau of Statistics (ABS), there were estimated to be 3 058 ATSI people in the ACT in 1996. The ABS has also estimated a maximum of 3 377 and a minimum of 3 161 in 1997 and 3 723 and 3 266 in 1998. Both high and low estimates have been made by the ABS because of the deficiencies in the quality of ATSI births, deaths and migration data available from which to derive population estimates.
- (2) There are two health services targeted at ATSI people in the ACT which incorporate drug and alcohol services.

Gugan Gulwan Aboriginal Youth Corporation provides Aboriginal and Torres Strait Islander young people access to information on education and health service resources relating to drug and alcohol use focussing on the following areas:

- education and prevention activities,
- early intervention and management, and
- counselling/tertiary intervention.

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The service is contracted to provide the services of one Aboriginal and Torres Strait Islander youth Alcohol and Drug worker performing 480 hours per quarter. The service has an estimated 25 ongoing clients.

Total Funding for the alcohol and drug component of the service in 1998/99 was \$50,000 and funding projection for 1999/2000 is \$51,000.

Winnunga Nimmitjiah Aboriginal Medical Service provides an information and education service to Aboriginal and Torres Strait Islander people on alcohol and drug issues and promotes access to mainstream alcohol and drug support and treatment services.

The service is contracted to provide the following alcohol and drug services:

- * 30 clients seeking assistance for alcohol and drug related problems per quarter;
- * 3 community education sessions per quarter;
- * 10 people registered for monitoring of outcomes/case management per quarter;
- * 330 direct staff hours per quarter; and
- * 1 contact in relation to education and information groups services/organisations per quarter.

The service has one specialist alcohol and drug worker. Total funding for the alcohol and drug component of the service in 1998/99 was \$58 300. Projected funding for 1999/2000 is \$59 466. This funding is channelled through the ACT by the Commonwealth Government.

In addition, ATSI people in the ACT are able to access all mainstream alcohol and drug services funded by the ACT Government. Two Aboriginal Liaison Officers are employed at The Canberra Hospital to ensure that ATSI people have equitable access to mainstream health care services and to increase the cultural awareness and sensitivity of health care services to the distinct needs of ATSI patients and their families. Two community outreach nurses are employed through ACT Community Care to assist in providing a link between ATSI people and mainstream health services.

(3) In 1998/99, ACT Government funded non Government alcohol and drug services targeted specifically at indigenous people totalled \$50 000 and Commonwealth sourced funding totalled \$58 300. Total funding for all non Government alcohol and drug services totalled \$1 574 500. The Government alcohol and drug program totalled \$4 006 700.

(4) Aboriginality data is collected by ACT drug and alcohol services but estimates of the extent to which ATSI people access mainstream alcohol and drug services are unreliable because of the inconsistent data collection systems that are used by agencies. This is an issue for the whole of Australia and the Australian Health Minister's Advisory Council has identified the collection of adequate and consistent data as a key priority for Aboriginal health. The ACT Aboriginal Health forum has recently met to identify practical ways to improve the collection of data in the ACT and this issue will continue to be addressed by the Department in its service contract negotiations. It can be estimated that, while more than 90% of clients of ATSI targeted services are indigenous Australians, the rate is much lower for mainstream alcohol and drug services and is generally under 10% of all clients.

(5) The consultations on the draft ATSI health strategic plan has sought the views of ACT ATSI people on the quality of alcohol and drug services in the ACT as well as their ability to access mainstream alcohol and drug services. Specifically, consultations with ATSI people and their organisations have included to date: a questionnaire distributed to ATSI communities; community consultations at the Aboriginal Youth Health Forum; information from The Canberra Hospital ATSI Health Forum; community consultations held with the Wreck Bay Aboriginal Community; and ongoing consultations with the ACT Indigenous Health Forum, Winnunga Nimmityjah Aboriginal Health Service, Gugan Gulwan Aboriginal Youth Centre, The Canberra Hospital Aboriginal Liaison Officers.

In addition, the 1998 review of Gugan Gulwan Aboriginal Youth Service sought input from community organisations on the effectiveness and quality of services that Gugan Gulwan provides for young ATSI people. I would be happy to supply you with a copy of the outcomes of that review if you wish.

On an ongoing basis, the ACT Indigenous Health forum is the primary consultative mechanism for the Department in determining the adequacy of all health services for ATSI people in the ACT.

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**Move-on Powers
(Question No. 139)**

Mr Stanhope asked the Minister for Justice and Community Safety, upon notice, on 20 April 1999:

In relation to the operation and effectiveness of move on powers

1. On how many occasions have move on powers been used.
2. Has the AFP training package on move on powers been completed and if so can a copy of the package be provided
3. Are the results of the November 1998 review of the effectiveness of the move on powers publicly available and if so can a copy be provided.
4. What are the five locations in which the move on powers are most frequently used.
5. What are the instances in which the use of move on powers have involved a person of Aboriginal or Torres Strait Islander background.

Mr Humphries: The answers to Mr Stanhope's questions are as follows:

1. The use of move on powers has been recorded on 23 occasions since September 1998.
2. The AFP Training Package, which was developed for workplace delivery by Team Leaders, has been completed. Training has now been delivered at all stations. A copy of the Training Package has been provided to the Member.
3. An internal review of the effectiveness of move on powers was undertaken in November 1998. At the time the review was conducted there were no recorded complaints or allegations of police misuse of the powers. There were also no records with the Director of Public Prosecutions or the Courts of matters arising from the application of the Act. The primary recommendations of the review related to the need for continuing education of police members in relation to the purpose and application of the powers. Training at all stations has since occurred.

4. It is not possible to give a precise answer to this question. However, the information available shows that the most common locations in which move on powers have been utilised since September 1998 are Northbourne Avenue, East Row and London Circuit. The majority of these incidents occurred on footpaths outside licensed premises or in public places where large groups had congregated and were causing a disturbance.
5. It is not possible to answer this question as details of ethnicity are only recorded at the time of arrest.

Emergency Services Insurance Levy

(Question No. 140)

Mr Hargreaves asked the Chief Minister, upon notice, on 4 May 1999:

In relation to the expenditure of Emergency Services Insurance Levy on community services

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- (1) How much has been spent on community services.
- (2) Which community services have received money.
- (3) How much did they receive.

Ms Carnell: The answer to the Member's question is as follows:

- (1) The revenue from the Emergency Services Insurance Levy is not hypothecated. This is the case for the majority of the Territory's revenues. This provides budgetary flexibility to government, and enables redirection of resources as necessary.
- (2) and (3) The Government's community services and community grants program is substantially larger than the \$10 million collected as insurance levy. The expenditure on community grants and services in 1998-99 is estimated at \$56.6 million, and this is for services ranging from health services to environment grants.

The estimated operating expenditure for the General Government Sector in 1998-99 totals \$1.711 billion, and the estimated operating result is a loss of \$149.9 million. It implies therefore that the entire amount of \$10 million collected from the Emergency Services Insurance Levy will be utilised in providing services.

Tuggeranong Homestead

(Question No. 141)

Mr Corbell asked the Minister for Urban Services, upon notice:

In relation to the Tuggeranong Homestead

- (1) When will there be an announcement about how the Federal Government funding of \$625,000 announced in September 1998 is to be spent
 - (a) who has the responsibility for the expenditure; and
 - (b) will the process be publicly accountable.

- (2) Will there be an announcement about the proposals being considered for the development of the Homestead, if so
 - (a) when will the announcement be made; and
 - (b) will the government consider community consultation as part of the development process and if so (i) what form will this take and (ii) when will it occur.

- (3) will clarification be sought on the role and conduct of the current tenant in relation to the management and collection of Horse agistment fees and in particular the issuing of receipts and correct accounting of all fees and contracts

- (4) Is the Government (a) aware of the exact number of horses agisted on the site and (b) is this number of horses in keeping with the potential stock carrying capacity of the site.

Mr Smyth: The answer to the Member's question is as follows:

- (1) In September 1998 the Interim Tuggeranong Homestead Community Authority was successful in obtaining funding of \$675,000 under the Federation Cultural and Heritage Projects Funding Program. Discussions have commenced between the ACT Government and the Australian Heritage Commission regarding the management and use of the Grant. The funds will be spent on conservation works on the homestead and buildings. The schedule of works will be finalised after the Expression of Interest process is completed for the future development of the Homestead.
 - (a) The grant will be managed by the ACT Government.
 - (b)

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- (c)
 - (d) As with any government funding it will be required to be fully acquitted according to the grant agreement.
- (2) Yes
- (a) I expect to make an announcement mid year. A detailed assessment process, supervised by the Interim Tuggeranong Homestead Community Authority, is currently under way.
 - (b) Any proposal for development will be made available for community consultation
 - (i) the process will ensure that proper community consultation occurs.
 - (ii) the consultation will occur after I have considered the recommendations of the Interim Tuggeranong Homestead Community Authority and consulted appropriately within the Government.
- (3) The current tenant has signed a Deed of Agreement with the ACT Government which sets out his responsibilities and duties. Under the agreement, the tenant has management responsibility for the site including agistment of horses. Specific agistment issues are a business matter between the tenant and the agistee.
- (4) (a) The tenant has advised that there are 15 horses on the property.
(b) In 1994 the carrying capacity of the property was set at 15.

**Credit Cards – Use by Government Officers
(Question No. 142)**

Mr Stanhope asked the Chief Minister, upon notice, on 20 April 1999:

In relation to the use of credit cards by Government officers:

- (1) Which officers within your portfolio hold Government credit cards.
- (2) What credit cards are operated by those officers.
- (3) What credit limits apply to each of those officers.
- (4) What protocols, if any, apply to the use of credit cards by officers in your portfolio.
- (5) What protocols, if any, apply to the disclosure of transaction details relating to credit cards operated by officers of your portfolio.
- (6) Can you table transaction details of credit cards operated by officers of your portfolio for the year ended 31 December 1998.

Ms Carnell: The answers to Mr Stanhope's questions are:

(1) **Chief Ministers Department**

Judith Byron	Revenue Management Branch OFM
Mick Lilley	OFM
Deidre O'Brien	Corporate Finance
Jennifer Willson	Corporate Finance
Linda Webb	OSPA
Roslyn Hughes	OITM
Samantha Stewart	Project 2000, OBDT
Ross Macdiarmid	OBDT

ACT Executive

Laurel Coyles	Executive Support
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Office of Asset Management

Lesley Eade	Kingston Foreshore Development Authority
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- (2) American Express

(3)	Monthly Limit	Transaction Limit
Judith Byron	\$5,000	\$1,000
Mick Lilley	\$50,000	NIL
Deidre O'Brien	\$50,000	NIL
Jennifer Willson	\$15,000	NIL
Linda Webb	\$50,000	\$50,000
Roslyn Hughes	\$10,000	\$5,000
Samantha Stewart	\$5,000	\$5,000
Ross Macdiarmid	\$20,000	\$10,000
Lesley Eade	\$5,000	\$2,000
Laurel Coyles	\$5,000	NIL

- (4) The Chief Minister's Department has Corporate Credit Card Guidelines (copy attached).

- (5) The Chief Minister's Department Corporate Credit Card Guidelines detail the use of credit cards. In relation to the above the following applies:

Section 2 - Monthly Billing Reconciliation

Cardholders are responsible for keeping all relevant documents relating to purchases made. on their cards.

On receipt of AMEX billing statement from Corporate Finance, Cardholders are to ensure that:

- (a) transactions recorded on the billing statement reconcile with the Cardholder's own record of Credit Card transactions;
- (b) all documentation is attached to the statement;
- (c) the reconciliation is checked, coded and signed by both the Cardholder and the cardholder's verifying officer; and
- (d) all documentation is forwarded to Corporate Finance for processing.

Section 3 - Verifying Officer's Responsibilities . .

The Verifying Officer appointed by the supervisor shall ensure:

- correct procedures for purchasing have been followed in accordance with the CMD Purchasing Policy and that the relevant documents and evidence of receipt of the goods and/or services are produced;
- supplies paid for by the Cardholder are clearly within the description of the relevant natural account and are for official purposes.

(6)

73101 - Stationery	\$2,074.25
73102 - Printing	\$851.00
73103 - Telecommunications	\$2,401.82
73108 - Hospitality	\$2,389.80
73109 - Publications/M'ships	\$5,822.29
73111 - Vehicle Hire (Totalcare)	\$126.86
73114 - Venue Hire	\$888.25
73115 - Marketing Expenses	\$505.55
73119 - Miscellaneous	\$1,714.23
73128 - Paper - Fax/Copiers/Printers	\$63.00
73201 - Training &~ Devel - General	\$9,209.00
73202 - Training & Devel - IT	\$113.75
73207 - OH&S, First Aid, Medical Exp	\$144.00
73212 - Semi-Official Phones	\$97.70
73301 - Travel - Domestic	\$605.75
73302 - Travel - International	\$25,734.48
74101 - IT Software Cons R&M	\$373.50
74102 - IT Equip Cons R&M	\$884.50
74103 - Furniture & Fittings R&M	\$1,711.68
74104 - Office Equip Cons R&M	\$241.00
74201 - IT Software <\$5000	\$270.00
74202 - IT Equipment <\$5000	\$474.00
74203 - Furniture & Fittings <\$5000	\$1,646.95
74204 - Office Equipment <\$5000	\$574.67
76852 - Cleaning (OAM)	\$18.50
TOTAL	\$58,936.53

22 June 1999



AUSTRALIAN
CAPITAL TERRITORY

CHIEF MINISTER'S
DEPARTMENT

**CHIEF MINISTER'S DEPARTMENT
CORPORATE CREDIT CARD
GUIDELINES**

ISSUED AUGUST 1998

**CHIEF MINISTER'S DEPARTMENT
CMD**

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Corporate Credit Card Policy

Contents

GUIDELINES FOR HOLDERS OF ACT GOVERNMENT CORPORATE CREDIT CARD (ACTCCC) AND THEIR VERIFYING OFFICERS

The following guidelines outline the responsibilities of holders of ACT Government Corporate Credit Cards (ACTCCC) and their Verifying Officers.

1. APPLICATIONS FOR CREDIT CARD FACILITIES

Eligibility to hold an ACTCCC is restricted to permanent officers of the ACT Government.

Credit cards may be issued to officers whose main duties include the purchase and acquisition of supplies, to the Executive, and for travel.

Officers recommending another officer to be issued with a credit card must ensure that the officer being recommended has the background to effect purchases in line with procedural legislative requirements eg. Financial Management Act 1996 and the Chief Minister's Department Purchasing Policy.

Prospective applicants should forward a CMD Application form (Attachment A) and an American Express application form (Attachment B), to the Credit Card Administrator, Corporate Finance.

The above application should be approved by the prospective Cardholder's Branch/Office Head. In the case of Senior Executives, applications should be approved by Executive Directors or the Chief Executive.

Cardholder's will be required to sign a declaration acknowledging their responsibilities in relation to the use of the credit card (Attachment C).

2. MONTHLY BILLINGS/RECONCILIATIONS

AMEX billing statements are issued at the end of each month to Corporate Finance for payment prior to distribution to Cardholders.

Billing statements will include AMEX annual membership fee.

Cardholders are responsible for keeping all relevant documents relating to purchases made on their credit cards.

On receipt of AMEX billing statement from Corporate Finance, Cardholders are to ensure that:

- (a) transactions recorded on the billing statement reconcile with the Cardholder's own record of Credit Card transactions;
- (b) all documentation is attached to the statement;
- (c) the reconciliation is checked, coded and signed by both the Cardholder and the cardholder's verifying officer. and
- (d) all documentation is forwarded to Corporate Finance for processing.

3. VERIFYING OFFICER'S RESPONSIBILITIES

The Verifying Officer appointed by the supervisor shall ensure:

correct procedures for purchasing have been followed in accordance with the CMD Purchasing Policy and that the relevant documents and evidence of receipt of the goods and/or services are produced;

supplies paid for by the Cardholder are clearly within the description of the relevant natural account and are for official purposes;

the approved card, transaction, and funds available limits appropriated to each card have at no stage been exceeded.

payments are not made in advance of the billing statements; and

purchases which are classified as assets or are portable & attractive and easily converted to private use must be brought to the attention of the Assets Officer Corporate Finance by the Cardholder.

4. SUPERVISOR'S RESPONSIBILITIES

The supervisor of the Cardholder is responsible for:

Appointing the Verifying Officer.

appointing a replacement Verifying Officer if necessary; and

implementing random checks of ACTCCC usage to ensure Cardholder is complying with guidelines.

5. FUNDING/DELEGATIONS

Availability of funds should be checked against budget limits for each cost centre and category of expenditure before any commitments are made on the ACTCCC

Credit Cardholders are automatically commitment and expenditure delegates, as per the CMD Financial Delegations, to the credit limit of their card.

6. ACTCCC USAGE.

The ACTCCC is to be used whenever possible to pay for approved goods and services required for the official purposes of the Cardholder's Branch/Section business. This is particularly the case for low value, one off purchases.

Underutilised credit cards are an unnecessary expense to the department as the American Express (AMEX) credit card administration fee must be paid regardless of use. Unused cards also represent an unnecessary risk of fraud. These cards should be returned to the Corporate Credit Card Administrator, Corporate Finance.

Cardholder's should always keep within the limits and restrictions which apply to their usage of the ACTCCC.

It is the Cardholder's responsibility to be familiar with and aware of approved purchase procedures as outlined in the Chief Minister's Purchasing Policy.

Under no circumstances should any officer be permitted to use or quote another officer's card or card number for purposes of obtaining supplies/purchases for official purposes. If this has occurred, an immediate report should be made to the Credit Card Administrator, Corporate Finance.

If an ACTCC is used for travel purposes, the ACTCCC must be used in accordance with the ACT Public Service Travel Policy and CMD Travel Guidelines.

Cardholder's **must** ensure that they:

(a) obtain invoices, sales dockets and/or other documentation to support every transaction entered into with the ACTCCC; and

(b) maintain permanent records of every transaction for purposes of good management practice as well as for the establishment of a clear audit trail.

7. TELEPHONE/FAX ORDERS

Use of the ACTCCC for telephone orders must be carried out only by the Cardholder. Under no circumstances must an officer other than the Cardholder quote another officers card number.

Records of telephone orders must be maintained.

Using a fax message is considered preferable to placing orders solely by phone, as it provides a written record of the relevant order, including the name of the Cardholder placing the order.

Facsimile Transmission Advice Sheets which confirm or initiate an order must be signed by the relevant Cardholder before dispatch.

8. OFFICIAL HOSPITALITY

The ACTCCC may be used for purchases associated with Official Hospitality as long as they comply with Official Hospitality Usage guidelines.

For all forms of hospitality, appropriate papers must be retained. The number of people attending the function, split by ACTGS staff and external attendees, needs to be recorded for FBT purposes.

9. AMEX CARD RESTRICTIONS

Personal Identification Numbers (Pin) are not issued to Cardholder's by American Express (AMEX).

Traveller's cheques or cash can not be obtained by using ACTCCC. Any related return of goods or adjustments should be reflected through the AMEX credit card billing statements.

10. LOST, STOLEN OR DAMAGED CREDIT CARDS

Lost or stolen cards must be reported immediately to AMEX as well as the Credit Card Administrator, Corporate Finance

AMEX	1800 230100 (free call)
Credit Card Administrator	62077450

All damaged credit cards are to be returned to the Credit Card Administrator, Corporate Finance who will request a replacement card from AMEX.

11. DISPUTED BILLINGS

Incorrect amounts or additional transactions recorded on the credit card statement are referred to as disputed billings.

It is the responsibility of the Cardholder to resolve matters of disputed billings.

For disputed billing's, Cardholders are to contact the supplier or AMEX on 1800230100. AMEX will place a temporary credit on the disputed amount until the issue is resolved.

All disputes recorded with AMEX will be pursued by AMEX until the matter is resolved.

If there is a dispute the Cardholder should notify the Card Administrator, Corporate Finance when the matter has arisen and when it is resolved.

12. RESIGNATIONS, TRANSFERS AND LEAVE

Verifying officer's must ensure that Cardholder's return their cards on notice of resignation or transfer from the Chief Minister's Department.

Any Cardholder proceeding on any form of leave exceeding one month should hand in their cards to the Card Administrator, Corporate Finance, at least one week prior to departure.

Any cards returned or withdrawn should be cut clearly in two and forwarded for cancellation to the Credit Card Administrator, Corporate Finance.

Under any of the preceding circumstances, the Verifying Officer should ensure that the Cardholder provides a statement of all outstanding ACTCCC transactions together with all relevant documentation.

13. ACTCCC MISUSE/FRAUD

- * The ACTCCC is issued for official purposes only. Misuse of the card will result in disciplinary action and possible criminal prosecution.
- * A Cardholder is responsible for all purchases on his or her card. Under no circumstances should a Cardholder permit another person to use his or her credit card or credit card number to make a purchase.
- * Misuse or fraudulent use of the ACTCCC may result in disciplinary action under provisions of the *Public Sector Management Act 1997* being brought against the offending officer.

14. SALES TAX EXEMPTIONS

The Deputy Commissioner of Taxation has ruled that Sales Tax exemptions apply to purchases made through usage of an ACTCCC.

15. ACTCCC SECURITY

A Cardholder must ensure that their credit card is always maintained in a secure place and that only the Cardholder has access to the credit card and to its identification number.

16. ACTCC RENEWALS

Renewals of cards take place automatically three years after the date of commencement with AMEX, that is, in February 1999. Cardholder's must not take delivery of the renewal cards directly from AMEX. All cards must be collected from the Credit Card Administrator, Corporate Finance.

17. VARIATIONS TO CREDIT CARDS

Any requests for variations in credit card credit limits should be made in writing and signed by the Cardholder's Branch Head or Executive Director. Once AMEX processes the request, the Cardholder will be notified as to the new credit availability.

18. CORPORATE CREDIT CARD ADMINISTRATOR'S ROLE & RESPONSIBILITY

The Administrator is responsible for ensuring correct disclosure and timely payment of credit card transactions.

The Administrator is also responsible for the following:

- * providing policies and guidelines;
- * issuing and replacement of corporate credit cards;
- * cancellation of the corporate credit cards, ensuring that cancelled credit cards are cut in half, and that outstanding transactions are processed on Oracle;
- ensuring that on issue of an ACTCCC, the Cardholder has signed the ACTCCC Declaration and that the Cardholder has been given the appropriate ACTCCC guidelines and instructions;
- ensuring that Cardholder's receive their statements;
- liaising with AMEX for all matters not related to transactions enquires;
- reporting to management in relation to card use; and
- maintaining all uncollected credit cards in a secure place.

**AMERICAN EXPRESS GOVERNMENT CARD
- CARDMEMBER APPLICATION FORM**

Please ensure all the application details are completed to speed up the application process and

fax this completed form to American Express on (02) 886 1151

1. AGENCY DETAILS: PD51100301

Agency Name:

Telephone:

Programme Administrator's Name:

Cost Centre name:

Agency I.D.:

Your internal Ref No(if Req'd)

2. EMPLOYEE DETAILS

Surname:

Given name:

Please Tick.

A. Mr () Mrs () Miss () Ms () Dr ()

Other () Please specify:

B. Male () Female ()

Employee's name as it is to appear on the Government Card:

(Note: Only 22 characters available including spaces.)

Business Address (where you work):

Postcode:

Business Telephone:

Position in Agency:

Mailing Address:

Postcode:

Date of Birth:

Please tick:

Federal Government ()

State Government ()

3. Office Use Only

PROD () PROC () TEAM ()

CAN/DEC () FEE () DELIV ()

REV () BILLING () SEX ()

DIRDEB () PRES/PREV () XREF RSN ()

SIGN () CB REPORT ()

4. Declaration by applicant

I, the Government Card applicant, hereby apply to you (American Express International Inc.) for an American Express Government Card. If issued to me, I agree to use that Government Card solely for business purposes. I certify that the information given above in support of my application is true and correct.

The following is pursuant to the Privacy Act: I acknowledge and agree that both you and my employer shall have access to all records arising out of the use of the Government Credit Card issued to me. I certify that each Government Card applied for, approved and issued under this application will be used solely for business purposes.

Signature of applicant

Date

**5. DECLARATION BY AGENCY
SIGNATORY**

On the behalf of the Agency (has the same meaning as provided for in the contract) named in the application (the "Agency"), I hereby request issuance of a Government Card to the individual named above and certify that the named individual is an employee of the Agency. I confirm that the information given this application form is to the best of the Agency's knowledge true and correct and that the Agency hereby agrees

to be bound by the American Express Government Card Cardmember Terms and Conditions (where applicable) with respect to such Government Card.

Signature of Authorised Officer

Date

Name:

Position:

22 June 1999

American Express International Inc
Travel management Services
P.O. Box 5148 Sydney NSW 2001

***Underwritten by CIGNA Insurance Australia. Ltd.,
subject to terms and conditions. American Express
International, Inc. Incorporated with Limited Liability
in Delaware. USA. Registered as a Foreign Company
in NSW.
Registered Trade Mark of American Express Company
A.R.B.N. 000 618 208**

6. CARDMEMBER SPEND LIMITS

If individual spend limits are required for this
Cardmember, the following section must be
completed by the Programme Administrator:
Cost Centre Name:

Cardmember Name:

Monthly Credit Limit:

\$

Transaction Limit:

\$

**CMD CORPORATE CREDIT CARDHOLDER
DECLARATION**

Cardholder:

Section:

Credit Limit:

Initial's

1. I will not use the ACT Government Corporate Credit Card (ACTCCC), nor permit it to be used, for other than official purposes.
2. I will not permit the ACTCCC to be used in any way by any other person.
3. I will keep a record of all transactions for my Verifying Officer to check and then forward these details as required to Corporate Finance for reconciliation.
4. I will report the purchase of assets or portable and attractive items to the Asset Officer, CMD.
5. I will adhere to hospitality guidelines, and keep relevant records for FBT purposes.
6. I will use the ACTCCC as specified in the CMD Credit Card Guidelines.
7. I agree to report any lost or stolen card immediately to AMEX and the Credit Card Administrator, Corporate Finance.
8. If I misuse the card I acknowledge that disciplinary action may be instituted against me, and I may also be dismissed from the ACT Government Service.

I, being an employee of the Chief Minister's Department hereby acknowledge that I have read the above instructions, the Chief Minister's Department Corporate Credit Card Guidelines other relevant policies and guidelines related to purchasing and travel and understand and agree to these conditions.

Name

Signature

Date:

22 June 1999

Credit Cards – Use by Government Officers

(Question No. 143)

Mr Stanhope asked the Minister for Justice and Community Safety, upon notice, on 20 April 1999:

In relation to the use of credit cards by Government officers:

- (1) Which officers within your portfolio hold Government credit cards.
- (2) What credit cards are operated by those officers.
- (3) What credit limits apply to each of those officers.
- (4) What protocols, if any, apply to the use of credit cards by officers in your portfolio.
- (5) What protocols, if any, apply to the disclosure of transaction details relating to credit cards operated by officers of your portfolio.
- (6) Can you table transaction details of credit cards operated by officers of your portfolio for the year ended 31 December 1998.

Mr Humphries: The answers to Mr Stanhope's questions are:

- (1) Officers holding credit cards are:

Timothy B Keady	Neil Goldfinch
Dolores Hropic	Anthony McGlynn
Lyne Anderson	Lani Jaiyawong
Rosslyn Davey	Jean Hotchkiss
Jane Lu Serafin	Oanh Kieu Thi Nguyen
Leonardo Sorbello	Anna Lennon
Ruth Hawkings	Toni Bracken
Leslie Lambert	Cheryl Keeley
Dale Heslin	Therese Leahey
Geertruida Ford	Nicole Jones
Noreen Bird	Margie Bromham
Grace Stadler	Phillip R Canham
Penny Rogers	Peter W Cartwright
David Trevor Ingram	David A Knight
Peter E Newman	Tim Morris
Gregory W O'Neill	Christine M Stokman
Jeff Swan	G C Wellspring
Wayne T Willimot	

(2) American Express Corporate Credit Card

(3)

OFFICER	MONTHLY LIMIT	TRANSACTION LIMIT
Timothy B Keady	\$2,000.00	\$2,000.00
Dolores Hropic	\$10,000.00	\$5,000.00
Lyne Anderson	\$30,000.00	\$10,000.00
Rosslyn Davey	\$10,000.00	\$2,000.00
Jane Lu Serafin	\$20,000.00	\$10,000.00
Leonardo Sorbello	\$20,000.00	\$5,000.00
Ruth Hawkings	\$30,000.00	\$5,000.00
Leslie Lambert	\$50,000.00	\$10,000.00
Dale Heslin	\$50,000.00	\$50,000.00
Geertruida Ford	\$50,000.00	\$50,000.00
Noreen Bird	\$50,000.00	\$1,000.00
Grace Stadler	\$30,000.00	\$10,000.00
Penny Rogers	\$30,000.00	\$10,000.00
Neil Goldfinch	\$100,000.00	\$30,000.00
Anthony McGlynn	\$30,000.00	\$10,000.00
Lani Jaiyawong	\$30,000.00	\$10,000.00
Jean Hotchkiss	\$5,000.00	\$2,000.00
Oanh Kieu Thi Nguyen	\$20,000.00	\$2,000.00
Anna Lennon	\$10,000.00	\$2,000.00
Toni Bracken	\$20,000.00	\$5,000.00
Cheryl Keeley	\$5,000.00	\$2,000.00
Therese Leahey	\$20,000.00	\$5,000.00
Nicole Jones	\$20,000.00	\$5,000.00
Margie Bromham	\$50,000.00	\$10,000.00
Phillip R Canham	\$5,000.00	\$1,000.00
Peter W Cartwright	\$2,000.00	\$500.00
David Trevor Ingram	\$50,000.00	\$5,000.00
David A Knight	\$10,000.00	\$3,000.00
Peter E Newman	\$2,000.00	\$1,000.00
Tim Norris	\$5,000.00	\$1,000.00
Gregory W O'Neill	\$10,000.00	\$2,000.00
Christine M Stokman	\$100,000.00	\$10,000.00
Jeff Swan	\$10,000.00	\$2,000.00
G C Wellspring	\$5,000.00	\$1,000.00
Wayne T Willimot	\$10,000.00	\$5,000.00

(4) See Attachment A

(5) See Attachment A

(6) See Attachment B

*ACT Attorney General's Department
Oracle Government Financials*

Corporate Credit Cards

To effectively manage Credit Card purchases and payments it will be necessary to implement an appropriate measure of control to ensure that due process is adhered to.

With the implementation of the new reforms, the use of corporate credit cards is expected to increase ten fold.

Meeting, liabilities with the use of the corporate credit card is being encouraged due to the direct cost benefits.

It goes without saying that corporate credit card expenditures could be interpreted as being of a material amount, henceforth appropriate procedures will need to be established to ensure that corporate credit card information is being captured in a timely fashion and thus allow us to report accurately.

Cost centres will need to evaluate the best method of gathering corporate credit card transaction details to ensure that the information is entered into Oracle as soon as possible after the transaction has occurred.

Currently, corporate credit card transactions have required a "Government Credit Card Purchase Request" form to be completed which stipulated key purchasing information, including an "Approving" financial delegates signature. All relevant documentation is kept with this form and subsequently used to reconcile monthly statements.

For these types of credit card purchases this practise is to remain. It should be noted that whilst all documentation must be forwarded to the Cost Centre administration unit by 20th of each month, it would be beneficial if card holders could forward transaction documents as they occur.

The other use of the credit card can also be for the payment of invoices (which are NOT order related). In some cost centres this practice will usually be effected by an on-line user and relevant details should be reflected on Oracle directly. If an off-line credit card holder pays for an invoice, appropriate information (invoice and accounting flexfield details) must be forwarded to an on-line user within respective cost centres as soon as possible.

Irrespective of what kind of user you have in your cost centre, the main focus should be to ensure that the information is captured on Oracle as soon as possible.

Entering into Oracle

A corporate credit card Batch will be opened by each cost centre each month.

Corporate Credit Card Batch Naming Convention:

- (a) Cost Centre Summary Level Organisation Code (ie ends in zero)
- (b) Vendor = American Express
- (c) Month/Yr ie C10AMEXMAY96

Invoice numbers will be a consecutive number for each purchase preceded by the initials of the card holder. For example, for Ray Zatorski - invoice numbers would be: RZ001, RZ002 etc.

Vendor must be "American Express"

Site should be the respective Card Holder

Enter purchase Navigate Invoice Entry

Invoice Type Standard

Invoice Description To facilitate useful credit card system reconciliation reports the user must be mindful when entering the description of the purchase in Oracle that the convention will be to enter the Supplier first followed by an asterisk followed by the description of the goods/services ie.,

CWS*General Stationery

Reconciliation of Statements

When the American Express statement is received it must be reconciled against the transactions entered into Oracle. Cost Centres should ensure that the statement is reconciled by someone other than the card holder.

Any transactions on the Statement, but not in Oracle, must be queried with the card holder and, if appropriate, details entered into the system before the next cheque run is initiated by the Resource Management Unit.

Any transactions on Oracle, but not on the Statement, will require the payment date in Oracle to be updated to the following month to ensure that the payment is not paid by the payment cycle process which will be initiated by the Resource Management Unit.

The reconciled statement and all relevant documentation should be summarised against the relevant accounting flexfields on an Invoice Cover Sheet.

When the next Auto-Approval process is run that batch will automatically go on 'hold' due to the system default of placing all invoices on hold that don't match to a purchase order.

Total 1,257,105.88

	Account	Amount
2622	Furniture & Fittings - Additions	7,143.00
6741	OE - Senior Executive Reimbursement	6,799.40
6771	OE - Other Entitlements	1,238.34
7116	Depn - Furniture & Fittings	1,365.00
7162	Asset < \$2000 - Office Machines	3,328.31
7163	Asset < \$2000 - Furniture & Fittings	30,654.50
7164	Asset < \$2000 - Plant & Equipment	1,328.45
7166	Asset < \$2000 - Physical Fitness Equip	133.06
7167	Asset < \$2000 - Communication Equip	188.02
7169	Asset < \$2000 - Other	773.52
7171	R&M - Computers	3,485.46
7172	R&M - Office Machines	9,210.75
7173	R&M - Furniture & Fittings	617.62
7174	R&M - Plant & Equipment	5,490.96
7175	R&M - Workshop Equipment	396.79
7177	R&M - Communication Equipment	545.00
7178	R&M - Telephones	89.00
7181	R&M - Buildings	3,069.12
7184	R&M - Security	255.35
7191	R&M - Vehicles Servicing	49.87
7192	R&M - Vehicles Spare Parts	2,373.72
7194	R&M - Vehicles Fitout&Installation	2,383.10
7212	Financial - Credit Card Fees & Chg	1,564.87
7213	Financial - Interest Expense	3,907.79
7217	Financial - Bank Fees & Charges	328.52
7233	Medical - Analysis & Tests	869.96
7235	Medical - Supplies	179.51
7239	Medical - Other	1,378.64
7241	M&A - Meals	976.40
7242	M&A - Canteen & Food Supplies	32.66
7254	Travel - Car Hire (Non-Fleet)	673.69
7259	Travel - Other	185.00
7262	Travel - Allowances (Domestic)	4,159.32
7263	Travel - Allowances (Overseas)	4,444.62
7264	Travel - Domestic	685.00
7265	Travel - Overseas	464.85
7266	VEHICLE FLEET COSTS	238.73
7281	Training - Conferences & Seminars	24,919.41
7283	Training - External	16,925.80
7284	Training - Internal	1,195.00
7285	Training - Materials	618.00
7286	Training - Program Aids	4,279.34
7291	OS - Transport/Freight/Cartage/Courier	309.34
7292	OS - Postage	1,604.44
7293	OS - Plants	11,859.82

7294	OS - Hospitality	894.50
7295	OS - Records Management	11,982.66
7296	OS - Other	10,620.23
7298	OS - Meeting & Board Costs	143.00
7311	OS - Stationery & Supplies	213,935.50
7312	OS - Printing	31,313.38
7321	Printing	8,703.20
7322	Advertising - Staff Recruitment	4,033.03
7323	Advertising - Public Notices	556.56
7324	Advertising - Promotions/Displays/Events	92.00
7325	Advertising - General	641.80
7331	Library - Books	3,193.92
7332	Library - Other	5,227.45
7333	Library - Subs/Journals/Newspapers	287,069.57
7334	Library - Bindings	9,966.00
7344	LAW LIBRARY EXPENSES	715.51
7351	M&A - Memberships & Associations	2,942.56
7361	U&C - Standard Purchases	6,261.37
7363	U&C - Dry Cleaning & Repairs	29.90
7364	U&C - Protective Clothing	10,237.11
7366	U&C - Clothing (Non-Uniform)	6,139.35
7369	U&C - Other	1,425.00
7371	Telephone - Official	184,069.45
7372	Telephone - Installation & Equipment	921.00
7373	Telephone - Mobile	25,457.52
7374	Telephone - Pagers	20.00
7385	PS - Consultants	270.00
7388	PS - Interpreters	1,325.00
7399	PS - Other	310.00
7411	OCCUPATIONAL HEALTH AND SAFETY	236.25
7418	COMMUNITY SAFETY STRATEGY	200.00
7421	Legal - General	24,204.19
7426	Legal - Other	910.00
7431	GENERAL LEGAL COSTS	26,066.50
7432	Legal - Legal Counsel	904.10
7433	LEGAL TRAVEL COSTS	157.00
7434	WITNESS TRAVEL	35.00
7435	OTHER WITNESS EXPENSES	455.00
7437	Legal - Court Reporting and Transcripts	92,969.00
7441	RENT	78.00
7442	BUILDING-REPAIRS AND MAINTENANCE	6,297.50
7443	CLEANING EXPENSES	1,064.76
7445	GAS EXPENSES	3,283.60
7447	SECURITY COSTS	2,806.35
7449	HIRE OF PREMISES	1,236.00
7451	COMPUTING HARDWARE <\$2000	1,237.00
7452	COMPUTER REPAIRS AND MAINTENANCE	8,147.80
7453	COMPUTING CONSUMABLES	1,445.50
7454	COMPUTER UPGRADES	149.00

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7456	DATA COMMUNICATION/CABLING	1,475.72
7457	OTHER COMPUTER EXPENSES	8,729.00
7458	SOFTWARE MAINTENANCE	305.00
7461	OFFICE MACHINE PURCHASES <\$2000	3,646.90
7462	OFFICE MACHINE REPAIRS AND MAINTENANCE	9,766.62
7471	FURNITURE AND FITTING PURCHASES <\$2000	31,331.90
7472	FURNITURE AND FITTING REPAIRS AND MAINTENANCE	180.00
7481	PLANT AND EQUIPMENT PURCHASES <\$2000	2,622.87
7482	PLANT AND EQUIPMENT REPAIRS AND MAINTENANCE	550.95
7495	PROGRAM AIDS	202.40
7497	MEDICAL SUPPLIES	443.29
7499	DETAINEE CLOTHING	1,245.25
7516	VICTIMS OF CRIME COORDINATOR	522.12
7524	JURORS - OTHER JURY EXPENSES	68.20
7534	FMCK - RUNNING EXPENSES	203.25
7557	TALLY ROOM COSTS	3,075.00
7613	Other - Miscellaneous Expenses	343.40
7651	CREDIT CARD CHARGES	1,439.88
7673	Leasing - Plant & Equipment	47.40
7674	Leasing - Vehicle Fleet	53.00
7735	R&H - Plant & Equipment	90.00
7742	Cleaning - Materials	441.88
7744	Cleaning - Rubbish Rem & Trade Waste	3,487.39
7752	Utilities - Gas	7,228.79
7762	Property - Security Surveillance	76.00
7763	Property - Signs	558.00
7781	Materials - Fire Fighting Consumables	8,341.69
7782	Materials - Hardware & Tools	1,534.22
7783	Materials - Other Consumables	1,247.21
7785	Materials - Chemicals	106.65
7789	Materials - Other	733.95
7791	Fuel - Diesel	148.00
7831	Intact - Customer Support (SLA)	190.00
7841	IT - Software Purchases	141.58
7843	IT - Computing Consumables	1,487.40
7844	IT - Network/Cabling/Data Communications	574.00
7849	IT - Other IT Expenses	1,313.80
8711	Other - Miscellaneous Revenue	55.00
		1,257,105.88

**Credit Cards – Use by Government Officers
(Question No. 144)**

Mr Stanhope asked the Minister for Health and Community Services, upon notice, on 20 April 1999:

In relation to the use of credit cards by Government officers:

- (1) Which officers within your portfolio hold Government credit cards.
- (2) What credit cards are operated by those officers.
- (3) What credit limits apply to each of those officers.
- (4) What protocols, if any, apply to the use of credit cards by officers in your portfolio.
- (5) What protocols, if any, apply to the disclosure of transaction details relating to credit cards operated by officers of your portfolio.
- (6) Can you table transaction details of credit cards operated by officers of your portfolio for the year ended 31 December 1998.

Mr Moore: The answers to Mr Stanhope's questions are:

The following response is provided in respect of the **Department of Health and Community Care:**

(1) As at 31 March 1999, the number of credit card holders is summarised by respective Groups within the Department of Health and Community Care as follows:

Office of the Chief Executive	1
Health Outcomes Policy and Planning	1
Financial Management and Contracting	1
Population Health	
- HPS Executive	1
- HPS Corporate Support	1
- Analytical Laboratory	3
- Communicable Disease	1
- Drugs and Therapeutics	2
- Radiation Safety	1
- Epidemiology	1
Human Resource Strategies	1
Business Services Bureau	2
Professional Registrations Board	1
Office of the Health Complaints Commissioner	2
Healthpact (Health Promotion Fund)	1
Total	20

Attached is a list of the officers who hold credit cards.

(2) All officers operate American Express Government Corporate Credit Cards.

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(3) The attached list of officers who hold credit cards also identifies the spend/credit limits of each card holder.

(4) The following protocols govern the use of credit cards within the Department

- (1) Chief Executive Instructions.
- (2) ACT Government Purchasing Policy Principles and Guidelines.

In addition, the Department has issued the following separate Chief Executive Instructions:

- (1) A02 - Management of Government Corporate Credit Cards.
- (2) A04 - Purchasing.

All credit card holders are expected to abide by these protocols.

(5) Authorisation for payment of credit card statements of account is vested with a separate officers to the card holders. All transactions must be disclosed and relevant documentation attached to each statement of account. These statements of accounts are subject to audit scrutiny by the ACT Auditor-General or adhoc examination by the Fraud Prevention and Anti-Corruption Unit of the Chief Minister's Department.

(6) Following is a summary of year to date as at 31 December 1998 expenditure by category:

Expenditure Category	Amount Year to Date
Accommodation	\$ 16,785.82
Travel Allowance Expenses	4,330.42
Travel - Airfares	8,790.30
Car Rental	1,561.23
Cabcharges	2,752.63
Vehicle Costs - Fuel	389.49
Vehicle Costs - Other	2,089.76
Telephone Accounts	2,886.55
Course Fees	6,175.00
Retail Outlets (Office Requisites/Computer Requisites):	
- David Jones	158.98
- Dick Smith Electrical	112.32
- Tandy Electrical	99.85
- Kmart	22.90
- Target Australia	20.45
- Others	41,723.51
Journals:	
- Australian Bureau of Statistics	180.00
- AGPS Mail Sales	109.85
- Priority Management	16.00

Miscellaneous (Books/Memberships)	
- Yarran & Baxter	950.00
- Hartley Management Group	935.00
- Health Insurance Commission	845.00
- Media Monitors	628.51
- Standards Australia	510.00
- Toner Express Australia	472.00
- Reed Business Information	399.00
- Australian Quality Council	250.00
- The Institute of Public Admin	215.00
- Ian Huntley Pty Ltd	197.00
- Clean Air Society of Australia	190.00
- Property Council of Australia	180.00
- TSG Australia	150.00
- The Australian Medical Ha	125.00
- MIMS Australia	99.00
- Foundation Studios	57.00
- All Others	11,734.81
Total	\$106,142.38

LIST OF CORPORATE CREDIT CARD HOLDERS

Officers Name	Spend/Credit Limit
Office of the Chief Executive David Butt	\$100,000
Health Outcomes Policy and Planning Ruth Boddy	5,000
Financial Management and Contracting Gordon Lee Koo	10,000
Population Health	
Irene Passaris	50,000
Connie Kulinski	5,000
Peter Smith	50,000
Daryl Beevers	10,000
Jacqueline Robertson	2,000
Yvonne Epping	10,000
Sam Wong (Cancelled in April 99)	50,000
George Stefanoff	50,000
David Smoker	50,000
Bruce Shadbolt (Cancelled in April 99)	5,000
Human Resource Strategies	
Barry Sandison (To be cancelled in May 99)	5,000
Business Services Bureau	
Alan Toohey	20,000
Mark Bonato	10,000
Professional Registrations Board	
Robert Bradford	3,000
Office of the Health Complaints Commissioner	
Ken Patterson	10,000
Fred Pilcher	5,000
Healthpact (Health Promotion Fund)	
Nicholas Hillman	3,000

The following response is provided in respect of **ACT Community Care**:

- (1) Credit Cards holders:
- (a) Michael Szwarcbord
Chief Executive Officer
 - (b) Robert Cusack
Executive Director
Corporate and Business Development
 - (c) Sim Sung
Director
Finance and Contract Management

(2) All officers operate American Express credit cards.

- (3) Credit limits:
- (a) Michael Szwarcbord \$4,000 per month
 - (b) Robert Cusack \$46,500 per month
 - (c) Sim Sung \$30,000 per month

(4) Protocols on the use of credit cards are contained in the Chief Executive's Financial Instructions which are issued to officers within ACT Community Care. In addition, detailed procedures on the use of corporate credit cards have also been issued.

(5) Transaction details relating to the credit cards must be fully disclosed and properly authorised for payment of those transactions to be processed. These transactions are also subject to audit.

(6) Transaction details on the credit cards for the year ended 31 December 1998 are as follows:

Expenditure Type	Amount
Accommodation	\$5,136.66
Travel	\$2,498.82
Publications	\$2,648.48
Furniture	\$4,159.00
Stationery	\$694.22
Communications	\$722.80
Official Hospitality	\$307.90
Office requisites	\$1,197.73
Room Hire	\$523.40
Fees, Registration, Course, memberships etc	\$10,138.60

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The following response is provided in respect of **The Canberra Hospital**:

(1) As at 31 March 1999, the number of credit card holders is summarised by respective Groups within The Canberra Hospital as follows:

Office of the Chief Executive	1
Corporate Services	10
Finance and Information Technology	1
Library	1
Canberra Clinical School	2
Mental Health Services	3
Pathology	3
Bio-Medical Engineering	1
Medical Executive	1
Nursing Administration	3
Imaging Services	1
Hospital General Manager	1
Total	28

Attached is a list of the officers who hold credit cards.

(2) All officers operate American Express Government Corporate Credit Cards.

(3) The attached list (Attachment 1) of officers who hold credit cards also identifies the spend/credit limits of each card holder.

(4) The following protocols govern the use of credit cards within The Canberra Hospital:

- (1) CMD Financial Management Reform Unit
Guidance Paper Number 10
Cash Management Procedural Paper Number 3
CORPORATE CREDIT CARDS

- (2) ACT Government Purchasing Policy Principles and Guidelines.

The Canberra Hospital has issued the following draft for discussion:

Corporate Credit Cards - Policy and Procedures

This will be issued shortly as a TCH Chief Executive Instruction.

All credit card holders are expected to abide by these protocols.

(5) Authorisation for payment of credit card statements of account is vested with a separate officers to the card holders. All transaction must be disclosed and relevant documentation attached to each statement of account. These statements of accounts are subject to audit scrutiny by the ACT Auditor-General or adhoc examination by the Fraud Prevention and Anti-Corruption Unit of the Chief Minister's Department.

(6) Following is a summary of year to date as at 31 December 1998 expenditure by category:

Expenditure Category	Amount
Accommodation	\$ 12,861.49
Travel Allowance Expenses	922.38
Travel - Airfares	14,586.80
Car Rental	215.10
Cabcharges	124.52
Vehicle Costs - Fuel	23.92
Telephone Accounts	6,136.86
Course Fees	5,957.50
Office Communications	399.00
Official Hospitality	5,072.80
Office Requisites/Computer Requisites/Office Supplies	
- Capital Medical Supplies	290.00
- Cairns Tile Centre	252.87
- Canberra Plastics	70.00
- Other	109,882.79
Journals/Books/Memberships	3,437.55
Professional Services	
- Australian Council on Healthcare	334.00
- Aust Society of CPAS	135.00
- Dary Dixon	200.00
Printing Services	1,364.60
Royal National Agricultural Soc	4,539.00
Fees and Charges	122.87
Total	\$166,929.05

LIST OF CORPORATE CREDIT CARD HOLDERS

Officers Name	Spend/Credit Limit
Office of the Chief Executive Sonja Seselja	\$ 5,000
Corporate Services	
Nigel B Atkinson	10,000
John Brown	10,000
Garth A Chisholm	5,000
Matthew Kelly	50,000
Raymond Key	3,000
Leon A Le Leu	2,000
Eugeniusz Nodzynski	5,000
Edward C Rayment	100,000
Desmond J Rosenberg	2,000
Alan J Smith	5,000
Finance and Information Technology	
Helen van Wyck	2,000
Library	
Saroj Bhatia	2,000
Canberra Clinical School	
Melodie Lutz	10,000
Donald G MacLellan	10,000
Mental Health services	
Richard Clarke	20,000
Dianne P Donovan	20,000
Peter A Mulino,	2,000
Pathology Services	
Keith G Chippendale	2,000
Peter M Kaylock	10,000
Michael V Whiley	10,000
Bio-Medical Engineering	
Ronald Coleman	10,000
Medical Executive	
Janet Mould	5,000
Nursing Administration	
Verity J Bondfield	5,000
Elizabeth W Meyer	1,000
Bette L Nash	1,000
Imaging Services	
Faye Bourne	10,000
Hospital General Manager	
Anne L Dean	5,000

Credit Cards – Use by Government Officers

(Question No. 145)

Mr Stanhope asked the Minister for Urban Services, upon notice, on 20 April 1999:

In relation to the use of credit cards by Government officers:

- (1) Which officers within your portfolio hold Government credit cards.
- (2) What credit cards are operated by those officers.
- (3) What credit limits apply to each of those officers.
- (4) What protocols, if any, apply to the use of credit cards by officers in your portfolio.
- (5) What protocols, if any, apply to the disclosure of transaction details relating to credit cards operated by officers of your portfolio.
- (6) Can you table transaction details of credit cards operated by officers of your portfolio for the year ended 31 December 1998.

Mr Smyth: The answers to Mr Stanhope's questions are:

- (1) See attachment A.
- (2) American Express
- (3) See attachment A.
- (4) Financial Management Reform Unit Guidance Paper Number 10 - Cash Management Procedural Paper Number 3 - Corporate Credit Card.
Cardholders are also required to sign an "Agreement by cardholder of an ACT Government Corporate Credit Card" (copies at Attachment B and C).

Corporate Credit Card Guidelines for Urban Services are currently being prepared.

- (5) The Protocols listed in the answer to Q4 also specify the procedures to be followed by cardholders in providing details in order to ensure correct costing of transactions and reconciliation of monthly statement from American Express.
- (6) See Attachment D.

(1) and (3)

	Monthly Limit	Transaction Limit
Alan Thompson	\$20000	\$20000
Corporate		
Kim Platt	\$25000	\$25000
Forests		
Graham McKenzie Smith	\$10000	\$2000
Michael Trushell	\$10000	\$2000
Alan Davey	\$10000	\$2000
Graham Mitchell	\$10000	\$2000
Planning and Land Management		
Corporate Resources, ASO 5	\$5000	-
Corporate Resources, ASO 5	\$10000	-
BEPCON, ASO 5	\$10000	-
City Operations		
R Brady	\$5000	\$1000
P Breust	\$5000	\$1000
M Brice	\$5000	\$2000
M Cameron	\$5000	\$1000
R Coble	\$5000	\$1000
C Corsini	\$5000	\$1000
G Cosgove	\$5000	\$1000
J Da Silva	\$5000	\$1000
V Di Crescenzo	\$5000	\$1000
P Davies	\$5000	\$1000
J Diehm	\$5000	\$2000
A Forster	\$5000	\$1000
R Giles	\$5000	\$1000
P Grace	\$80000	\$80000
K Grall	\$5000	\$1000
T LeMesurier	\$5000	\$1000
P Maleganeas	\$10000	\$2000
R McGlashan	\$5000	\$1000
G McLeod	\$5000	\$1000
S Percival	\$5000	\$2000
S Pittard	\$5000	\$1000
G Potter	\$25000	\$10000
M Robertson	\$5000	\$1000
P Schultz	\$5000	\$1000
L Taylor	\$5000	\$1000
C Ware	\$1 000	\$1000
C Motbey	\$5000	\$5000
S Fox	\$1000	\$1000

M Bergfield	\$2000	\$2000
S Abbott	\$1000	\$1000
A Gaffa	\$10000	\$2000
P Mitchell	\$1000	\$1000
Hamish Horne	\$2000	-
Michael Kidd	\$2000	-

Infrastructure Policy

SES	\$5000	\$1000
T03	\$5000	\$5000
T03	\$5000	\$5000

Environment

Colin Adrian	\$5000	-
Peter Burnett	\$5000	-
Mark Dunford	\$5000	-
Frank Inwersen	\$2000	-
Mark Jekabsons	\$2000	-
Mark Lintermans	\$2000	-
Peter Ormay	\$2000	-
Marjo Rauhala	\$2000	-
Sara Sharp	\$2000	-
David Shorthouse	\$10000	-
Rodney Dix	\$10000	-
Rod Anderson	\$10000	-
Will Andrew	\$20000	-
Odile Arman	\$5000	-
J Balderson	\$10000	-
Lance Bates	\$10000	-
Anthony Bell	\$10000	-
Anthony Brownlie	\$3000	-
Kay Collins	\$10000	-
Anthony Corrigan	\$5000	-
David Dempster	\$30000	-
Ian Faulkner	\$20000	-
Don Fletcher	\$30000	-
Peter Galvin	\$10000	-
Dennis Gray	\$10000	-
Jeff Green	\$30000	-
Andrew Halley	\$1000	-
Peter Hann	\$30000	-
Lyn Harrington	\$20000	-
Paul Higginbotham	\$30000	-
Stephen Hughes	\$30000	-
Paul Kennedy	\$30000	-
Sharon Lane	\$30000	-
Virginia Logan	\$30000	-
Trish MacDonald	\$10000	-
Brett McNamara	\$1000	-
Peter Mills	\$1000	-

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Badan Ranger	\$5000	-
Mark Rodden	\$10000	-
Arthur Sayer	\$30000	-
Gregory Sayer	\$5000	-
William Schuller	\$40000	-
Margot Sharp	\$30000	-
Keith Smith	\$10000	-
Kerrin Styles	\$5000	-
Graeme Todkill	\$10000	-
Geoff Underwood	\$10000	-
Geoffrey Webb	\$10000	-
David Whitfield	\$10000	-
Alex Wotzko	\$5000	-
Geoff Young	\$10000	-
Stephanie Hogan	\$5000	-
Barry Griffiths	\$20000	-
Aaron Kennedy	\$10000	-
Geoff King	\$10000	-
Geoffrey Price	\$10000	-
Gary Croston	\$5000	-
Kanapathi Siva	\$2000	-
Graig Richardson	\$5,000	-

ACTION

John Anderson	\$10000	\$1000
Gary Dorsett	\$10000	\$1000
Roman Gaffa	\$10000	\$1000
Lester Southwell	\$10000	\$1000
Arthur Woodford	\$50000	\$10000

Housing

C Coombes	\$1000	\$500
L Farmer	\$1000	\$500
G Farr	\$2000	\$2000
H Fletcher	\$500	\$500
P Hunter	\$1000	\$1000
M Huntley	\$500	\$500
P Madigan	\$1000	\$1000
S Morris	\$500	\$500
A Read	\$2000	\$2000
K Spence	\$2000	\$2000
K Webb	\$1000	\$1000
L Butterworth	\$1000	\$1000

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Attachment B

FMR

FINANCIAL MANAGEMENT REFORM UNIT

GUIDANCE PAPER NUMBER 10

**CASH MANAGEMENT
PROCEDURAL PAPER
NUMBER 3**

**CORPORATE
CREDIT CARDS**

25 May 1998

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These advantages result in the prompt payment of suppliers, less paperwork, and hence reduced administrative costs, improved cash management and greater convenience for purchasing officers. Generally, credit cards can be used to make the purchasing process quicker, more convenient and less expensive.

1.3 Accountability and Responsibility

Using credit cards for purchasing reduces much of the paperwork whilst maintaining an acceptable level of control.

It is the card holder's responsibility to ensure the card is used only for approved purposes and that this can be clearly demonstrated.

Under the Audit Act 1989, requests to spend money must be submitted for approval to an appointee for the purposes of Finance Regulation 25 and similar legislative provisions are likely to be in place under the proposed *Financial Management Act 1996*. Delegation limits can be used to limit the potential liability of an Agency. It will be necessary that cardholders retain supporting documentation concerning every credit card purchase. This documentation will be used by the:

card holder, to reconcile monthly card use;

card holder's supervisor, to scrutinise and verify each month's transactions;
and

Agency Credit Card Administrator (Administrator), to co-ordinate, liaise and provide management information.

1.4 Penalties for Misuse of the Corporate Credit Card

The credit card is issued for official purposes only. Misuse of the card will result in disciplinary action and possible criminal prosecution.

A card holder is responsible for all purchases on her or his card. Under no circumstances should a card holder permit another person to use her or his credit Card or credit card number to make a purchase.

Misuse or fraudulent use of the ACT Government Corporate Credit Card may result in charges being brought against the offending officer under section 109 of the *Audit Act 1989* or under the Crimes (Offences against the Government) Act 1989. These provide for imprisonment or fine or both if the offender is found guilty. This will be followed by disciplinary action under provisions of the *Public Sector Management Act 1994*.

Preferably, the prospective card holder is an officer whose duties include the relatively frequent purchase and acquisition of supplies. Unused or rarely used cards increase costs and represent an unnecessary risk.

The prospective card holder has adequate knowledge, background and training to effect purchases in line with procedural and legislative requirements including the purchasing guidelines as outlined in the ACT Government Purchasing Manual.

Certifying Officers are not to be issued with the ACT Government Corporate Credit Card.

Application Process

Financial legislation requires that, in order to obtain goods or services for agency use, suitably appointed delegates approve the purchase.

To ensure that all purchasing is appropriate, the ACT Government has stipulated some mandatory procedures which govern the procurement process. The most significant of these under the pre-July 1996 framework, are:

Finance Regulation 24;

Finance Regulation 25;

Treasury Direction 23; and

the ACT Government Purchasing Manual.

The Finance Regulation 24 delegate is responsible for ensuring that there are enough funds to cover the purchase while the Finance Regulation 25 appointee approves the proposed expenditure.

The Finance Regulation 25 appointment has a monetary limit and belongs to a position, not to a person. This means that, if you currently have a Finance Regulation 25 appointment to approve expenditure up to \$500 and you get transferred or promoted, you no longer retain that authority as it belongs to your old position.

Finance Regulation 25 appointments are the responsibility of Chief Executives.

Credit Card transaction limits are a valuable tool in observing expenditure limits within an organisation.

The card holder and Supervisor must ensure they are aware of their respective responsibilities.

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The credit limit is agreed and nominated by the card holder and supervisor and is enforced by AMEX.

For the period to 30 June 1996, the supervisor must record expected commitments by raising a Bulk Requisition for credit card purchases. In some instances this may be achieved by raising one bulk requisition for a number of individual card holders.

Until 30 June 1996, a Bulk Requisition should be raised. to cover the purchases to be made using a credit card. There are a number of reasons for raising a Bulk Requisition:

the ACT Government's Financial Regulations require that all purchases are authorised by a Finance Regulation 24 delegate and Regulation 25 appointee.

it records a commitment on the Financial Management Information System (FMIS), which assists managers to fulfil their financial management responsibilities;

it clearly sets the limits of actual expenditure allowed to each card holder within the current financial year's budgetary limits; and

it identifies the expenditure limits available to the card holder under different Budget Control Levels (BCL) - given legislative provisions applying to 30 June 1996.

Supervisors must record expected commitment for the estimated value of card use for the financial year. The total value of the Bulk Requisition does not have to be expended and it is possible to amend the value of a Bulk Requisition.

The supplier should be identified as American Express and payments should be made to the supplier.

Approval Process

Once initial business relationships have been established between an individual Agency and AMEX, daily management will be recognised through a nominated officer within an Agency, and AMEX will act upon advice received from that officer.

Prospective card holders are required to complete the form "American Express Government Card - Cardmember Application Form". This application process requires the signature/approval of the Administrator. Any additional information required by the Agency will need to be gathered at this stage.

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fax use of the credit card, the holder and card supplier are trusting the vendor to record the correct amount against the credit card and not to use the card details to process any extra transactions.

Use of the credit card number for telephone numbers must be carried out only by the card holder. Under no circumstances must an officer other than the card holder quote another officer's card number. Agencies will need to determine what form or record is required to facilitate telephone purchasing.

Using a fax message is considered preferable to placing orders solely by phone, as it provides a written record of the relevant order, including the name of the card holder placing the order.

A further benefit in using fax messages is that it is useful to assist routine enquiries at a future date. Faxed messages also reduce the incidence of mistakes or misinterpretations in telephone orders by either or both the card holder placing the order, and the supplier. All details should be checked carefully on receipt.

Facsimiles which confirm or initiate an order must be signed by the relevant card holder before dispatch.

3.3 Corporate Credit Card Transaction Documentation

Use of the credit card does not change the requirements of the purchasing processes, that require that a record of every transaction be kept. It is the card holder's responsibility to ensure that appropriate documentation for each transaction is obtained. These records will be used for:

reconciliation with the AMEX monthly billing statement including verification by the card holder's supervisor;

costing purposes, i.e. deciding where the expense should be charged;

an audit/management trail;

recording commitment;

providing information for asset or portable and attractive item registration; and

recording the date of receipt of goods, or services.

These records are also maintained for the protection of the card holder.

The documentation retained concerning a transaction should be sufficient to identify uniquely the transaction in relation to the goods or services obtained. Documentation must provide the following details:

Financial Management Reform
Guidance Paper Number 10

4.1 Disputed Billings

Incorrect amounts or additional transactions recorded on the credit card statement are referred to as disputed billings.

It is the responsibility of the card holder to resolve matters of disputed billings.

Dispute processes are outlined in the AMEX diskette provided to card holders.

5 CORPORATE CREDIT CARD ADMINISTRATOR'S ROLE & RESPONSIBILITIES

5.1 The Credit Card Administrator

The Administrator is responsible for ensuring correct disclosure and timely payment of credit card transactions.

The Administrator is also responsible for:

reporting to management in relation to card use;

ensuring that cardholders receive their statements; and

liaison with AMEX for all matters not related to transactions enquiries.

Details of AMEX processes, including management reporting, will be provided separately to each Administrator.

A cardholder must ensure that her or his credit card is always maintained in a secure place and that only the card holder has access to the credit card and to its identification number.

6 CORPORATE CREDIT CARD ADMINISTRATION & SECURITY

6.1 Corporate Credit Card Security

A cardholder must ensure that her or his credit card is always maintained in a secure place and that only the card holder has access to the credit card and to its identification number.

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**AGREEMENT BY CARDHOLDER OF AN ACT GOVERNMENT
CORPORATE CARD (ACTGCC)**

I, _____, hereby state that I am a holder of an ACT Government Corporate Card and that I understand and agree that

1. I will not use the ACTGCC, nor permit it to be used, for other than official purposes;
2. I will not use my ACTGCC to draw cash or its equivalent;
3. I will not permit the ACTGCC to be used in any way by any other person;
4. I agree not to exceed the Card Limit of **\$5,000.00** and/or the limit of **\$1,000.00** for any one transaction;
5. I may only use the ACTGCC for purchasing or to pay for the following supplies/services;
6. I will keep a record of all transactions, including **full** details of telephoned/faxed orders;
7. I undertake to forward the originals of all invoices and other documentation to my Supervisor for verification and attachment to the relevant claims for payment as required;
8. All payments for transactions against my Card billing statement will be through established official processes;
9. I will ensure that all payments will relate to the American Express Monthly Billing Statements. No payments will be made in advance of the American Express statement being received by me;
10. If the ACTGCC is lost or stolen I undertake to report it immediately to AMEX on 1800 641 266(BH) 02 886 0688(AH). I will also inform my Supervisor as well as the Card Administrator.
11. I agree that I will read the Guidelines.
12. If I misuse the card (i.e. use it otherwise than in accordance with the Guidelines referred to above which have been given to me), I acknowledge awareness that legal proceedings may be instituted against me, and if found guilty, I may be liable for a fine, imprisonment, or both. Consequently I may also be dismissed from the Public Service.

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13. Even if requested by American Express to do so, I hereby agree that I will not take delivery from AMEX.

Signature of ACTGCC Holder

Signature of Witness

Name of Witness

Date

Date

**URBAN SERVICES
SUMMARY - CREDIT CARD PAYMENTS BY NATURAL ACCOUNT**

Hospitality	\$1,255.23	
Travel	\$5,200.83	
Memberships	\$2,755.70	
Uniforms/Protective Clothing/Occupational Health and Safety Supplies	\$11,248.19	
Cleaning/Security	\$493.72	
Phones	\$3,470.33	
Postage/Courier	\$1,102.16	
Printing	\$9,092.63	
Stationary/Office Equipment/Supplies	\$75,396.02	
Operational Materials	\$391,065.82	
Publications/Newspapers/Gazettes, etc	\$6,528.55	
Computing Related	\$6,816.55	
Hire Charges - Plant and Equipment	\$534.25	
Marketing/Displays/Advertising	\$2,843.68	
Miscellaneous Admin	\$12,615.59	
Repairs and Maintenance	\$5,457.05	
Horticultural Maintenance and Municipal Precinct Services	\$528,520.67	
Staff Development/Training	\$36,949.37	
Credit Card Charges	\$23,909.33	
TOTAL		\$1,125,255.67
	JANUARY TO DECEMBER 1998	

Credit Cards – Use by Government Officers

(Question No. 146)

Mr Stanhope asked the Minister for Education, upon notice, on 20 April 1999:

In relation to the use of credit cards by Government officers:

- (1) Which officers within your portfolio hold Government credit Cards.
- (2) What credit cards are operated by those officers.
- (3) What credit limits apply to each of those officers.
- (4) What protocols, if any, apply to the use of credit cards by officers in your portfolio.
- (5) What protocols, if any, apply to the disclosure of transaction details relating to credit cards operated by officers of your portfolio.
- (6) Can you table transaction details of credit cards operated by officers of your portfolio for the year ended 31 December 1998.

Mr Stefaniak: The answers to Mr Stanhope's questions are:

- (1) **Attachment 1** is a listing of all officers holding a credit card within the Department of Education and Community Services (DECS).
- (2) All credit cards are American Express which is the ACT Government vendor for credit cards.
- (3) **Attachment 1** also details the credit limits for each credit card.
- (4) The *Chief Executive's Financial Instructions* issued in December 1996 includes instruction for credit card usage within DECS. A copy of the section relating to credit cards is at **Attachment 2**.
- (5) The *Chief Executive's Financial Instructions* list the cardholder responsibilities and the procedures for recording of purchases and reconciliation of transaction details on monthly statements.
- (6) Details are provided at **Attachment 3**.

CREDIT CARD HOLDERS

Surname	First Name	Classification	Location	Monthly Limit	Transaction Limit
Ashcroft	Brian	TO 4	Sport and Recreation	10,000	5,000
Baker	Robert	SOG C	ACT Natural Disaster	5,000	1,500
Bissell	Terry	ASO 5	Finance	100,000	1,000
Broekhuysen	Monique	ASO 3	Youth Justice	3,000	1,500
Carr	Linda	ASO 3	Ngunnawal Primary	50,000	15,000
Clifton	Sue	ASO 5	Canberra High	5,000	1,000
Cock	Edwina	SOG C	ACT Natural Disaster	5,000	1,500
Collins	Sue	ASO 5	OTAE	5,000	5,000
Dewis	Elsja	ASO 4	Indigenous Edn	2,000	500
Foster	Warren	SOGA	Workforce Relations	5,000	3,000
Fraser	Lucille	ASO 2	Ministerial Exec Support	20,000	5,000
Gardiner	Kim	ASO 4	CHADS	5,000	1,000
Hamilton	Chris	Principal	Jervis Bay Primary	2,000	500
Healy	Chris	Director	ACT Natural Disaster	Unlimited	Unlimited
Heaton	Judith	AS03	Co-operative School	2,000	1,000
Hird	Allan	Director	School Programs	Unlimited	2,000
Hogh	Glenda	ASO 4	Staff Development	5,000	1,000
Hudd	Sandy	SPO B	ACT Natural Disaster	5,000	1,500
Kidd	Alison	SOG C	Outcomes and Reporting	5,000	1,000
McCulloch	Pat	ASO 3	Staff Development	5,000	1,000
McLeod	Glenn	ASO 3	Care & Protection)	1,500	1,500
Middleton	Robyn	AS05	Telopea Park School	80,000	25,000

CREDIT HOLDERS (CONT.)

Surname	First Name	Classification	Location	Monthly Limit	Transaction Limit
Miller	Di	SPO C	ACT Natural Disaster	5,000	1,500
Minns	Andrew	ASO 6	ACT Natural Disaster	5,000	1,500
Mundy	Jan	AS06	Child Protection	1,000	500
Jones	Cherie	ASO 3	Adoption & Foster Care	1,500	1,500
Norris	Ken	SOG B	Sport and Recreation	10,000	5,000
Puniard	Margaret	ASO 4	Workforce Relations	5,000	2,000
Rand	Richard	SPO C	Sport and Recreation	10,000	5,000
Rayner	Jill	ASO5	Melrose High	10,000	2,000
Renew	Sandra	SOG B	ACT Natural Disaster	Unlimited	Unlimited
Sherd	Cathy	SA 3	Palmerston Primary	10,000	10,000
Swann	Catherine	ASO 6	Child Protection	1,000	500
Walker	Narelle	ASO5	Hawker College	40,000	10,000
Wheatley	Janelle	ASO 6	Family Services	3,000	3,000
Wheatley	Janelle	ASO 6	ACT Natural Disaster	5,000	1,500
White	Michael	Executive Director	ACT Natural Disaster	Unlimited	Unlimited
Wiggins	John	PO 2	Child Protection	1,000	500
Willis	Margaret	Manager	Outcomes and Reporting	5,000	1,000
Wilson	Elaine	ASO 5	Studies Section	5,000	1,000
Wyatt	Jan	AS05	Sport and Recreation	10,000	5,000

10. Credit Cards

- 10.1 The ACT Government has incorporated the use of the ACT Government Corporate Credit Card into its overall purchasing and accounts payable procedures. American Express (AMEX) is the contracted provider of the ACT Government corporate credit card.
- 10.2 Managers should consider the introduction of the credit card facility where efficiencies in the purchasing and payment processes result.
- 10.3 To be eligible for a card, the position the Card-holder occupies must have a financial delegation to incur expenditure.
- 10.4 A prospective Card-holder must be a permanent officer of the ACT Government Service.
- 10.5 Personal Identification Numbers (PIN) will not be issued to Card-holders as it would automatically provide access to an encashment facility.
- 10.6 The *Assistant Manager (Finance)* (the AMEX Administration Officer) will coordinate the issue and surrender of corporate credit cards.

Application Process

- 10.7 The Manager should discuss and agree with the prospective Card-holder the scope, usage and conditions applying to the Card-holder and establish transaction and credit limits that are to apply.
- 10.8 Transaction limits for each purchase should be set at a level consistent with anticipated usage. Transaction Limit is the total amount that can be expended in a single purchase.
- 10.9 Credit limit is the total amount that may be expended within a period - usually one month. It is often useful to establish the credit limit at an amount twice the estimated monthly usage to allow a lapse of time for settlement of the previous month's transactions. Credit limits reflect aggregate usage and should be adequate to cover purchases over a two month period to allow time for monthly payment of statements. These parameters reflect the amount expected to be expended during any given period of time and in no way relate to the delegation of a particular Card-holder. They may be varied at a later date subject to operational needs and appropriate approval.
- 10.10 Once the Manager is satisfied the proposed purpose and anticipated volumes support the issue of a new card, they should endorse a written application and forward it to the AMEX Administration Officer in the Finance Section for processing.

Card-holder Responsibilities

10.11 Card-holders must:

ensure they hold the necessary financial delegations to approve expenditure;
immediately upon receipt of the card sign the reverse side;
use their card for official purposes only;
keep their card secure, preferably in the safe or on person, when not in use. The number is to be kept confidential to minimise opportunities for fraud;
personally be responsible for all purchasing, documentation, acquittal and payment obligations related to their cards usage;
observe any restrictions or limitations imposed in respect of approved suppliers and/or categories of expenditure; and
comply with normal purchasing requirements on quotation, tender and gazettal.

Variation

10.12 All variations to card-holders and/or credit and transaction limits require the endorsement of the Manager and formal advice to the AMEX Administration Officer.

Cancellation

10.13 Where an officer no longer requires a card, is transferred or leaves DET, they must surrender their card. The card must be cut in half and returned to the AMEX Administration Officer in the Finance Section who will arrange the formal cancellation with AMEX.

10.14 Managers must ensure the card-holder has cleared any outstanding purchases or arrangements are in place to do so on their behalf.

Relief Staff

10.15 An officer relieving in a position where the occupant holds a credit card is not permitted to use the card of a person whom they are relieving.

10.16 If the card-holder is expected to be absent in excess of one month the person acting in the position carrying the delegation may be issued with a card provided they meet the criteria for eligibility at 10.1.4.

Methods of Use

10.17 An ACT Government credit card may be used across the counter (in person), by telephone, by mail and by fax. Care should be taken when quoting the card number that:

strangers are not present when using it by phone;

faxed details containing the card number are not left on the machine for general access; and that papers containing the number are stored securely..

Recording of Purchases/Payments

- 10.18 Card-holders must ensure there is a clear description of the goods/services purchased on supporting vouchers. The description "goods" is not sufficient. The description is required so that expenditure can be easily checked, reconciled and coded to the correct ledgers. Where a sales voucher is not provided, such as for purchases by telephone, the Card-holder must maintain an adequate record to assist with reconciling their monthly statement.
- 10.19 All purchase documentation must be retained to verify the expenditure was legitimate and to support payment of the monthly statement.

Restrictions

- 10.20 Credit Card-holders must not:
- incur expenditure unless funds are available to cover it;
 - exceed their transaction limit on the maximum they can spend in a single purchase;
 - exceed their card credit limit on the total amount which can be spent within the period;
 - use the credit card to obtain cash; and
 - use the credit card for personal use.

Statement Reconciliation/Payment

- 10.21 Immediately upon receipt of their monthly statements, Card-holders should:
- reconcile their transactions and/or their documentation of individual expenses against matching transactions on their government corporate credit card statement;
 - summarise cost centre information;
 - resolve any discrepancies; and
 - sign off their statement for payment and forward it to the Accounts Unit in the Finance Section for payment.
- 10.22 Multiple transactions with common cost centre combinations should be clearly identified and totalled either on the face of the statement or on the attached transaction summary.
- 10.23 Related paperwork such as invoices, credit card dockets, receipts, etc. and any supporting transaction summary should be attached to the statement which is forwarded to accounts.

- 10.24 Card-holders should avoid duplication of payment through the subsequent authorisation of invoices for payment of goods which were purchased and paid for by government corporate credit card.
- 10.25 Card-holders should make appropriate arrangements for account reconciliation and payment if they will be on leave when the statement is due.

Late payment Penalties

- 10.26 Failure to pay on time will result in late payment penalties. Managers should ensure that card-holders reconcile statements immediately on receipt and onforward them to the Accounts Unit for payment by the due date.

Disputed Payments

- 10.27 Any transaction appearing on a statement which a card-holder cannot confirm, should be raised immediately with the AMEX Corporate Card Customer Service Team contact quoted on their statement. It is crucial that a clear course of action is taken to investigate the query and clear the account. AMEX will allow for disputed payments in assessing accounts past due for payment. If AMEX is not informed they will regard any arrears as outstanding and will become subject to a late payment charge and loss of other trading privileges.
- 10.28 The card-holder should also advise their Manager and the AMEX Administration Officer of any disputed amounts.

Loss or Theft of the Card

- 10.29 Where a card is lost or stolen, the Card-holder must immediately notify the AMEX Administration Officer and American Express Government Card Customer Service. The details needed will include the card account number and the card-holder's name. This action ensures that activity on the card can be stopped and the Agency will not be held liable for the cost of any fraudulent entry.

Delegations and Operating Parameters

- 10.30 On the recommendation of an officer at the *Manager* level and above, the *Manager (Finance)*, *Assistant Manager (Finance)* and *Officer-in-Charge (Purchasing and Assets)* can approve a formal application to the Government approved credit card provider for the issue of a corporate credit card. The *Senior Finance Officer (Schools)* can approve applications with respect to schools.

**CORPORATE CREDIT CARD EXPENDITURE
FOR THE PERIOD ENDING 31 DECEMBER 1998**

Item Name	Amount
Travel Expenses	4,864.35
Vehicle Expenses	905.20
Welfare Payments	113.00
Office Consumables	55,679.46
Computer Services	4,443.98
Printing Services	16,082.94
Client Services	236.50
Child Contingencies	6,211.44
Meeting Expenses	2,597.09
Property Services	30,209.53
Communication Expenses	1,078.00
Telecommunications Expense	4,685.84
Property Maintenance	9,831.81
Minor Assets Purchases	31,913.30
Staff Development	26,558.00
Library Resources	14,361.47
Marketing	3,151.71
Memberships	395.00
Legal Expenses	485.00
.Credit Card Application Fees & Charges	375.28
TOTAL EXPENDITURE	214,178.90

**Financial Management
(Question No. 147)**

Mr Stanhope asked the Chief Minister, upon notice, on 20 April 1999:

In relation to accounting and personnel management standards and practices within the ACT Government Service -

- (1) Which ACT Government departments and agencies (a) employ qualified accountants and (b) at what levels.
- (2) In total, how many qualified accountants work within the ACT Government departments and agencies.
- (3) Of those qualified accountants working in the ACTGS, what disciplines are their specialities (for example, capital accounting, or cash flow management).
- (4) What training protocols are in place to ensure officers of the ACTGS whose work involves financial management are adequately trained in accounting practices and procedures.
- (5) In the last financial year, how much did Government departments and agencies spend on training of staff in financial management.
- (6) Was the training provided in-house or by external consultancies, and if the latter, which consultancies.

Ms Carnell: The answer to the Member's question is as follows:

- (1) (a) Qualified accountants are employed in the Chief Minister's Department, the Department of Education and Community Services (including the Canberra Institute of Technology), the Department of Health and Community Care (including The Canberra Hospital), the Department of Justice and Community Safety, and the Department of Urban Services.

(b) Qualified accountants are employed at the Executive levels, Senior Officers Grade A, Senior Officers Grade B, Senior Officers Grade C, Administrative Service Officers Class 6, and Administrative Service Officers Class 5.
- (2) A total of 62 qualified accountants are employed in the ACT Public Service. (comprising 13 officers in the Chief Minister's Department, 10 officers in the Department of Education and Community Services, 10 officers in the Department of Health and Community Care, two officers in the Department of Justice and Community Safety and 27 officers in the Department of Urban Services).

The Member' attention is drawn to the Auditor-General' Report No. 8 (1994), entitled "Financial Audits with Years Ending to 30 June 1994."

In this report (p40), the Auditor-General found that "none of the officers involved with preparation of the 1993-94 ACT Treasury financial statements have accounting qualifications. Treasury engaged a firm of private accountants to assist with preparation of these statements." In that year, Treasury's accounts were qualified by the Auditor-General, Treasury failed to reconcile its bank accounts, and the Treasury financial statements were the most untimely of all departmental financial statements.

In contrast, since 1995-96, Treasury's (the Office of Financial Management's) accounts (as well as every other ACT Government agency's) have not been qualified by the Auditor-General. As well, there are now 13 officers with accounting qualifications within OFM and CMD, a dramatic improvement over the situation inherited by this government.

- (3) Qualified accountants in the ACTPS have specialities in public sector and private sector financial accounting, management accounting, project accounting, taxation, and audit.
- (4) Some training protocols are determined by discussion and agreement between Managers and staff as part of a performance management scheme or as part of a personal development scheme, study leave is available and relevant course fees may be reimbursed, staff are encouraged and assisted to attend seminars and conferences, and some in-house training is provided.
- (5) Approximately \$148,700 was spent on training staff in financial management.
- (6) Some training was provided in-house, and some by external consultancies. Consultants engaged were the Australian Securities Institute, Australian Financial Markets Association, Commonwealth Bank of Australia, Westpac Banking Corporation, Price Waterhouse, Canberra Institute of Technology, University of Canberra, and the Australian Society of Certified Practicing Accountants.

22 June 1999

**Auditor
General's
Report**

Financial Audits With Years Ending to 30 June 1994

Report No 8 1994

Chapter 5-Treasurer

TREASURY

INTRODUCTION

The Treasury is responsible for the development, coordination and implementation of ACT financial and budget strategies, intergovernmental financial arrangements, administration of the capital works program and collection of taxes and municipal rates.

SIGNIFICANT FINDINGS

Treasury did not fully reconcile its bank accounts during 1993-94;

\$252,646 remains outstanding from Departments as reimbursement to the 'Credit Card Settlement Account' for expenditure incurred by departments from 1989 to 1992 through the use of credit cards. If reimbursement is not obtained from the departments, then alternate funding of this liability needs to be obtained, such as through a special appropriation;

the Treasury financial statements were the most untimely, in both drafting and completion, of all departmental financial statements for 1993-94; and

there is a limited number of qualified accounting officers in Treasury in the areas which are responsible for matters relating to the performance of accounting and financial reporting functions.

AUDIT OF THE 1993-94 FINANCIAL STATEMENTS

The 1993-94 financial statements for Treasury were signed by the Under-Treasurer on 19 October 1994. A *qualified* audit opinion was provided to the Treasurer on 19 October 1994. The Treasury Annual Report which included the audited financial statements was provided to Legislative Assembly Members on 20 October 1994.

Although there is some disparity in regard to minor issues between the statements of the people concerned, it is not surprising having regard to the time lapse since the event. In any case those anomalies do not directly affect the basic facts of the matter, and on that basis alone it would be inappropriate to label any one of those persons as a suspect.

It is noted that you have already conducted an internal investigation, and you were unable to conclude whether or not the currency was "misplaced, lost, accidentally destroyed or stolen".

Bearing in mind the facts of the case outlined above, and in particular a breakdown of basic accounting procedures together with a total lack of security (effectively increasing substantially the number of people with access), it is believed that any further investigation is unlikely to reveal the fate of the missing currency. It was on that basis that it was determined that the matter should not be pursued unless further evidence is produced to substantiate criminality.

In any case, it is recommended that you consider taking disciplinary action against any person or persons who you are able to identify as having had responsibility for the safe keeping of the currency prior to its disposal in an appropriate manner.'

The Audit Office generally agrees with the Unit's comments. There is a clear need for Treasury management to ensure that control procedures are improved.

Qualifications of Accounting Staff

Treasury are responsible for preparation of financial statements for:

Treasury;
ACT Superannuation Provision Trust Account;
ACT Borrowing and Investment Trust Account (ACTBIT); and
ACT Registrar of Financial Institutions.

A limited number of trained and qualified accounting staff within Treasury were involved with the preparation of financial statements.

Although two of the four financial statements prepared within Treasury were by the Capital Markets section, which is headed by a qualified accountant, this officer only had direct involvement with the ACTBIT financial statements.

None of the officers involved with preparation of the 1993-94 Treasury financial statements have accounting qualifications. Treasury engaged a firm of private accountants to assist with preparation of these statements.

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While such an approach can be used as a short term measure to supplement skills deficiencies, it has the disadvantages of being costly and not addressing the main issue which is obtaining the necessary skills on an ongoing basis.

Treasury have advised that the private accountants were engaged in order to allow skills transfer to Treasury staff. It is the Audit Office opinion however that the skills and knowledge which need to be acquired will only occur through formal training. It is not considered that other learning processes such as 'skills transfer' can substitute for the need for formal training of officers who have responsibility for preparation of the financial statements.

Treasury have advised that:

“Treasury observes that its use of one of the major accounting firms to support its own accountants in the preparation of its capital markets statements is replicated in other State Governments. Given the highly specialised nature of the activity it would be inefficient to have such expertise on staff all year. Treasury continues to pursue the recruitment of qualified accountants for its other activities.”

The Audit Office recognises the specialised nature of ACTBIT activities and agrees with Treasury obtaining external expert assistance for preparation of the ACTBIT financial statements.

With the likely move to accrual based accounting, and possibly accrual based budgeting, it is considered that more trained accountants with up-to-date expertise are required not only for preparation of the annual financial statements, but also for the efficient operation of accounting and budgeting functions.

ACT SUPERANNUATION PROVISION TRUST ACCOUNT

INTRODUCTION

The ACT Superannuation Provision Trust Account was established to receive funds and make payments in connection with the management of the superannuation liabilities of the Territory, Territory Authorities and Territory Owned Corporations.

**Meetings of Ministers and Staff at Kurrajong Hotel
(Question No. 148)**

Mr Quinlan asked the Chief Minister, upon notice, on 20 April 1999:

In relation to your answer to Question on Notice No. 120 regarding the meeting of Ministers and senior staff held at the Kurrajong Hotel

1. How many distinct sessions were there?
2. How many sessions were facilitated by:
 - Mr Walker
 - Mr Webster
 - anyone other than Mr Walker or Mr Webster
 - Mr Walker and Mr Webster jointly
 - Mr Walker and others jointly
 - Mr Webster and others jointly
 - no particular facilitator
3. How many sessions were attended by (a) Mr Walker and (b) Mr Webster (as facilitator or not)?
4. From how many sessions were (a) Mr Walker and (b) Mr Webster specifically excluded?
5. How many sessions was (a) Mr Walker and (b) Mr Webster absent by his own choice or through other commitments?
6. At any session, attended or facilitated by either (a) Mr Walker or (b) Mr Webster, were the following matters discussed:
 - the future of ACTEW
 - the possible merger of ACTEW with any other body
 - the future of the Kingston Foreshore development; and
 - any matter relating to the Bruce Stadium.
7. At any session, attended or facilitated by either (a) Mr Walker or (b) Mr Webster, were any matters discussed or information aired that might confer any commercial advantage on him in any of their professional capacities.
8. Did the Government require either (a) Mr Walker or (b) Mr Webster to sign any document or understanding relating to confidentiality of matters discussed at any session?

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9. Was (a) Mr Walker or (b) Mr Webster required to give any undertaking that he would disassociate himself entirely from future commercial dealings with the Territory Government that, in any way, might have been touched upon in any of the sessions?
10. Will the Government automatically exclude either (a) Mr Walker or (b) Mr Webster from any future commercial dealings or negotiations that have any connection with matters discussed at any session?
11. What are the details of the fees and expenses that were incurred in engaging (a) Mr Walker and (b) Mr Webster for the facilitation role?
12. By what selection process was (a) Mr Walker and (b) Mr Webster engaged?
13. Were any other individuals or organisations considered for this facilitation task?

Ms Carnell: The answer to the member's question is as follows:

1. There were three sessions.
2. One was a session jointly facilitated by Mr Walker and Mr Webster. The other two sessions had no particular facilitator.
3. One session.
4. Two sessions.
5. No sessions.
6. Re ACTEW: No.
Re possible ACTEW merger: No.
Re future of Kingston Foreshore: Raised in passing.
Re Bruce Stadium: No.
7. No.
8. Not applicable due to response to question 7.
9. Not applicable due to response to question 7.
10. No. Matters discussed where Mr Webster and/or Mr Walker did not attend will not disqualify them.
11. \$4,000 in preparation, development and facilitation fees plus \$465 in travel/accommodation paid to Mr Webster and travel costs of \$310 were paid to Mr Walker.
12. A number of candidates were considered for this role.
13. Yes.

**Computers – Year 2000 Problem
(Question No. 149)**

Mr Corbell asked the Chief Minister, upon notice, on 20 April 1999:

In relation to the year 2000 (Y2K) problem -

- 1) What are the Government's contingency plans in the event that crucial computer systems fail because of the Y2K problem despite efforts to resolve the problem.
- 2) What are the specific contingency plans for the following systems
 - (a) the Canberra Hospital patient information and administration;
 - (b) air and water testing;
 - (c) year 12 accreditation;
 - (d) traffic lights;
 - (e) rates and land tax accounts;
 - (f) births, deaths and marriages register; and
 - (g) Supreme Court case management.
- 3) Is the current payroll system for ACT Public Servants Y2K compliant, if not what contingency plans are in place to guarantee payment of ACT Public Servants' salaries after 1 January 2000.
- 4) Has the Government made separate budgetary provisions for any contingency plans and if so how much has been allocated.
- 5) Will the Government inform the ACT Community of any contingency plans and if so, (a) when and (b) how.
- 6) Has the Government made any separate budgetary provisions to cover the cost of informing the community and if so how much has been allocated.
- 7) How is the management of Y2K issues reflected in ACT Executive's performance agreements.

Ms Carnell: The answer to the Member's question is as follows:

- 1 . ACT Government Agencies are currently in the process of formulating contingency plans for each system within their Agency that has been deemed critical. These plans are targeted for completion by 30 June 1999. Additionally, the Emergency Services Bureau is in the process of establishing a supplement to the Territory Disaster Plan that will cover contingencies associated with the failure of computer systems. The framework for this subplan will be completed in July and the subplan will be updated on a continuous basis.

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2. As outlined above, contingency plans for the systems you have nominated will not be completed until 30 June 1999.
3. The payroll system for ACT public servants is presently awaiting Y2K certification from the supplier. Contingency plans are being developed for all critical systems including the payroll system and as noted above, these plans are targeted for completion by 30 June 1999.
4. Agencies will fund the development and implementation of contingency plans within existing budgets.
5. The ACT Government is adopting a strategy of maximum information in regards to Y2K preparations. Public reports will be released through the media and on the ACT Government's Y2K web site on a monthly basis. These will indicate the progress made on contingency plans for critical systems across government. Where the need exists for the community to be informed of the details of specific plans, the mechanisms to communicate those details will be identified as part of the contingency planning process.
6. The Federal Government is funding a number of national Y2K information campaigns aimed at a broad spectrum of the community and business. NSW has and will continue to screen television and radio advertisements regarding Y2K which cover the ACT region. Both of these are revenue neutral for the Territory. Additionally, \$30,000 has been allocated to cover the cost of filling gaps in the national and NSW campaigns to ensure that the ACT community is adequately informed about Y2K issues. This will be achieved through the use of the ACT Government Y2K web site, the Y2K hotline and print media.
7. Executive Performance Agreements, while generally following a similar format, vary from individual to individual. In July 1998, Chief Executives were advised that as part of their regular review of Performance Agreements, the Y2K issue should be the subject of an appropriate item in their Agreements. In addition Chief Executives, in reviewing their Executives' Performance Agreements, required similar provisions to be included in their Agreements where this was considered appropriate. With the exception of Executives who have no direct involvement in Y2K issues, for example the Parliamentary Counsel and Deputy Parliamentary Counsel, most Executives, as well as Chief Executives, have specific provisions in their Performance Agreements regarding Y2K.

Currong Flats
(Question No. 150)

Mr Wood asked the Minister for Urban Services, upon notice:

In relation to the Currong Flats

- (1) How many (a) vacant apartments are there in the Currong Flats; and (b) how long has each apartment been vacant.
- (2) Have building defects been brought to the attention of ACT Housing which have then not been attended to for any reason, if so
 - (a) what were they; and
 - (b) why has no action been taken.
- (3) Who is (a) responsible for making routine checks; and (b) what is the mechanism for ensuring rectification.
- (4) In relation to access for the frail aged and handicapped
 - (a) what recognition has been given to building regulations and codes for these people;
 - (b) what is ACT Housing's policy for access (eg lifts) in large complexes to assist such people;
 - (c) what provisions are there for funding for modifications to these apartments for people with disabilities;
 - (d) is there a backlog of requests for modifications, if so (a) how many and (b) how long is it since each request was lodged; and
 - (e) are there any funding problems associated with maintenance backlogs, especially requests associated with the frail aged and handicapped.
- (5) Is building maintenance (a) supervised, (b) inspected and (c) what are the procedures.
- (6) How frequently is internal maintenance of the apartments conducted and what are the procedures.
- (7) What is the policy of ACT Housing on the following
 - (a) installation of security screen doors;
 - (b) door bells/buzzers; and
 - (c) locks
- (8) What procedures, including those on departure, are followed in relation to property paid for by the tenant.

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- (9) In accordance with the Smoke-free Areas (Enclosed Public Places) Act 1994, is ACT Housing responsible for placing signs in the precincts of certain areas of the apartments to advise people of the provisions of the Act.
- (10) Is there a litter problem caused by tobacco products, including cigarette butts and packets and dropping of butts from balconies, which are offences under the Act.
- (11) Is recognition taken of the smoking or non-smoking preferences of tenants when allocating apartments, especially as the Government is aware of the health risks of smoking, including passive smoking.
- (12) Have tenants requested allocation of an apartment adjacent to non-smokers but been given no guarantee that this could be achieved, if so what are the circumstances of the cases known to ACT Housing.
- (13) Has ACT Housing considered areas for smokers and non-smokers in view of the known medical clinical evidence about the effects of passive smoking and reports that tobacco smoke may penetrate the windows of adjacent apartments and smoking has been occurring in semi-enclosed balconies.

Mr Smyth: The answer to the Member's questions is as follows:

- (1) (a) 17 vacant properties as at 30 April 1999.
(b) Refer to table below.

Vacancy period	No. of properties vacant
0 - 1 month	1
1 - 2 months	3
2 - 3 months	1
3 - 4 months	2
4 - 5 months	3
5 - 6 months	2
8 - 9 months	3
10 - 11 months	2
Total	17

Three of the 5 units vacant for 8 months or longer are now occupied. The five units have been held since September 1998 for allocation to MacPherson Court tenants.

- (2) No.
- (3) (a) The Housing Manager who is responsible for managing this complex and other Housing Officers as required.

- (b) The Housing Officer raises a works order via ACT Housing's computer system to the contractor who is contracted to carry out maintenance work at the complex.
- (4) (a) All existing building codes were complied with when Currong Flats was constructed in November 1958.
- (b) Lifts are provided in buildings over three storeys in height and ramps are provided to access the foyer/lift areas, if required.
- (c) ACT Housing provided \$400,000 this financial year to carry out modifications to existing properties to meet the needs of handicapped government residents. The recommendation of the Occupational Therapist, Canberra Hospital, is obtained before any work is undertaken.
- (d) No.
- (e) No.
- (5) (a) Yes. ACT Housing's head contractors supervise work undertaken on its behalf.
- (b) Yes. ACT Housing officers randomly inspect approximately 10% of maintenance. If problems have been previously experienced with a contractor's standard of work, regular inspections of their work are undertaken.
- (c) Tenants who require maintenance to their property call their regional office or their Housing Manager. The officer who receives the call raises a work order via ACT Housing's computer system to the contractor who is contracted to carry out maintenance work in that area.
- (6) It is the responsibility of a tenant to contact their Regional Office or their Housing Manager to advise of internal maintenance requirements. Housing Managers who carry out routine inspections of properties (at least annually) will note if internal maintenance is needed. A work order is then raised. Internal painting is carried out on a ten-year cycle.
- (7) (a) ACT Housing's policy is to provide one security screen door to the front door and one to the back door. Where there are more than two doors to the property, the tenant may choose which back door, eg. laundry door.
- (b) ACT Housing does not usually install bells/buzzers.
- (c) Falcon lock systems are fitted to the doors of Currong Flats.

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- (8) Tenants can apply to carry out additions and improvements at their own expense subject to written approval from ACT Housing, ACT Building Control and other relevant Government agencies.

Tenants may leave the additions and improvements when they vacate the property subject to approval from ACT Housing at the pre-vacation inspection. ACT Housing generally does not consider purchasing additions. Tenants who remove additions must restore the area to its original condition. Any costs incurred by ACT Housing in repairing damage will be raised against the vacating tenant.

- (9) Yes. ACT Housing is currently arranging for appropriate signs to be installed.
- (10) Yes but ACT Housing has in place a cleaning contract for common areas in its complexes. The contractor is required to clean the common areas daily.
- (11) ACT Housing's allocation policy is based on an applicant's eligibility for public housing assistance and the type and size of housing to which they are entitled.
- (12) ACT Housing does not keep such data as it is not essential information required to assess an applicant's eligibility for housing assistance.
- (13) No.

**Senior Executives and Chief Executives
(Question No. 152)**

Mr Berry asked the Chief Minister, upon notice, on 21 April 1999:

For each of the last three years (1996/97, 1997/98 and 1998/present), can you provide a list of (a) Senior Executives and (b) Chief Executives who:

- (1) have left before the expiry of their contract;
- (2) were granted special benefits; and
- (3) are still in a benefit period.

Ms Carnell: The answer to the Member's question is as follows:

- (1) As shown in the attached table, 29 Chief Executives and Executives have left before the expiry of their contract.
- (2) Of those 29, 12 were paid a benefit.
- (3) There are currently no former Chief Executive and Executives within the benefit period.

<i>Chief Executive or Executive who has left before their contract expired</i>	<i>Benefits</i>	<i>Currently in benefit period</i>
Bone, K	No	No
Baker, M	No	No
Buddin, T	No	No
Burgess, G	No	No
Dockrill, BG	Yes	No
Ellis, G	No	No
Farrell, D	Yes	No
Flutter, J	Yes	No
Golding, T	No	No
Guild, P	Yes	No
Harper, G	Yes	No
Hughes, A	No	No
Hunt, D	No	No
Mould, J	Yes	No
Murray, M	No	No
Nicolson, A	Yes	No
Peedom, M	No	No
Pegrum, A	No	No
Prattley, G	No	No
Read, R	Yes	No
Sadler, P	Yes	No
Sommer, H	Yes	No
Tidball, M	No	No
Turner, J A	No	No
Walker, J	No	No
Walker, P	No	No
Wolfe, J	Yes	No
Wright, M	Yes	No
Zonta, D	No	No

**Magistrates Court – Cases
(Question No. 153)**

Mr Wood asked the Minister for Justice and Community Safety, upon notice, on 21 April 1999:

In each week of February and March 1999

- (1) How many cases listed for hearing in the Magistrates Court did not proceed because the Director of Public Prosecution declined to pursue them.
- (2) What was the total court time allocated to the hearing of those cases.
- (3) What is the notional cost of this loss of listed time.

Mr Humphries: The answer to Mr Wood's questions are as follows:

- (1) During February and March 1999, there were 153 charges out of a total of 367 charges preferred against 72 defendants withdrawn and dismissed by the Court after the prosecution offered no evidence.

16 defendants had all charges withdrawn with the other 56 defendants being proceeded against on a lesser number of charges.

- (2) The total time allocated to the hearing of all charges against all the above defendants was 452 hours with the total charges withdrawn estimated at 110 hours of hearing time saved. The actual time allocated in respect of the cases where all charges were withdrawn was 38.5 hours.
- (3) Only 3 cases listed for a total of 11 hours resulted in lost time and a possible cost to the Court as the Court regularly overlists by 100% ie: 10 hours for a 5 hour list. The estimated cost to the Court for a day's sitting is \$2,000 or \$400 per hour.

This however presumes that the Magistrates were not able to perform other duties or take matters from other list. If there were no other matters for Magistrates to determine on those particular days they would perform chamber work including working on reserved decisions.

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**Chief Minister's Department – Overseas Travel by Senior Officers
(Question No. 154)**

Mr Kaine asked the Chief Minister, upon notice, on 22 April 1999:

In relation to overseas travel on Government business by senior officers of the Chief Minister's Department

- (1) What overseas travel has been undertaken since 1 July 1998.
- (2) What was the purpose of this travel.
- (3) By whom, if anyone, were the officers accompanied.
- (4) What was the total itemised cost of the travel.

Ms Carnell: The answer to the member's question is as follows:

For the purpose of answering this question the term "senior officers" has been taken to mean the Chief Executive or Executives of the Department.

(1) Travel was undertaken:

- (a) to China, once by Mr Ross MacDiarmid and Mr Nic Manikis in early October 1998,
- (b) once later in October 1998 by Mr Alan Thompson, and;
- (c) again by Mr Ross MacDiarmid in March 1999;
- (d) to Japan in late October 1998 by Mr Alan Thompson (the China and Japan visits were part of the same trip);
- (e) to the USA, once by Mr Mick Lilley in October 1998, and;
- (f) once by Mr Ross MacDiarmid in April 1999, and;
- (g) to Europe and Morocco in November 1998 by Mr Mick Lilley.

(2) The purpose of the travel was:

- (a) to China - meet with Government officials in Beijing and Hangzhou to set up meetings, Memorandum of Understandings and Business Council arrangements prior to my delegation's visit in late October 1998.
- (b) to China and Hong Kong - a business delegation to promote ACT priority industry sectors and to progress the education and business initiatives with China. To discuss with Hong Kong Government authorities and private sector parties a range of business opportunities between the ACT and Hong Kong;
- (c) to China - a delegation of environment industry service providers and educationalists to Hangzhou as part of developing business opportunities for the ACT in China.
- (d) to Japan - Canberra Day in Nara Delegation to celebrate the 5th anniversary of the sister city relationship with Nara and with a smaller delegation attending the Global Business Opportunities Convention in Osaka.
- (e) to USA - to follow up on and develop possible business attraction and investment opportunities.
- (f) to USA - to follow up on and develop possible business attraction and investment opportunities.
- (g) to Europe and Morocco - to investigate water concessions.

(3) The officers were accompanied by:

- (a) to China - Mr Simon Woolmer and Mr Haitao Wen.
- (b) to Hong Kong and China- Mr Simon Woolmer and Mr Haitao Wen together with two representatives of the ACT business community.
- (c) to China - Ms Yolanda Hanbidge and Mr Haitao Wen together with twelve representatives of the ACT business and education community.
- (d) to Japan - Mr Simon Woolmer, Mr Tim Dillon and Ms Diana Crennan together with 250 other delegates representing the ACT.

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(e) to the USA - representatives from KPMG and PKF Consulting.

(f) to the USA - representatives from KPMG and PKF Consulting.

(g) to Europe and Morocco - unaccompanied.

(4) The total itemised cost of the travel was:

(a) to China:

Airfares	\$8,810
Meals, accommodation and incidental expenses	\$3,855
Official hospitality and gifts	\$417
Additional transport	\$313
Other expenses	\$248

(b) to China and Hong Kong:

Airfares	\$5,178
Meals, accommodation and incidental expenses	\$4,122
Official hospitality	\$1,234
Transport, hire car	\$988
Other expenses	\$1,521
Freight on promotional material	\$1,452

(c) to China:

Airfares	\$3,714
Meals, accommodation and incidental expenses	\$3,282
Official hospitality and gifts	\$1,965
Costs associated with seminar	\$2,000
Other expenses	\$257

(d) to Japan:

Airfares	\$6,611
Meals, accommodation and incidental expenses	\$10,538
Official gifts	\$12,088
Other expenses	\$5,492
Freight on delegation exhibition items	\$5,500
Seminar expenses G-BOC'98	\$4,809

(e) to the USA:

Airfares and other travel expenses	\$7,218
Meals, accommodation and incidental expenses	\$707

(f) to the USA:

Airfares and other travel expenses	\$7,107
Meals, accommodation and incidental expenses	\$1,179

(g) to Europe and Morocco:

Airfares and other travel expenses	\$8,331
Meals, accommodation and incidental expenses	\$1,166
Other expenses	\$91

Please note that "Other Expenses" includes such items as printing, promotional expenses, business phone and fax charges, photocopying, visa application fees, taxis, etc.

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**National Tax Reform – Intergovernmental Agreement
(Question No. 157)**

Mr Quinlan asked the Chief Minister, upon notice, on 4 May 1999:

In relation to the Intergovernmental Agreement (IGA) on National Tax Reform signed by the Chief Minister on 9 April 1999 -

- (1) By (a) name and (b) contracting party, which services under the purchaser/provider framework, and provided by Territory owned corporations and statutory authorities,
 - (i) will be subject to the GST;
 - (ii) subject to (i), will be entitled to an input tax credit;
 - (iii) will be GST free (or zero rated);
 - (iv) will satisfy (i), but be paid without an input credit; and
 - (v) that do not currently attract wholesale sales tax or wholesale sales tax equivalent payments, but satisfy (i).
- 2) By (a) name and (b) contracting party,
 - (i) what is the current cost (or output payment) for those services that will attract a GST under the IGA clause; and
 - (ii) what will be the cost plus GST for those services outlined in (i);
- (3) Will the use of consultants and contractors by the ACT Government attract a GST.
- (4) What will be the overall impact on the ACT operating position of the payment of GST to the Commonwealth.
- (5) Will the Commonwealth and ACT Government community policing agreement attract a GST.

Ms Carnell: The answer to the Member's question is as follows:

- (1) The Member would be aware that I signed the IGA at the 1999 Premiers' Conference in conjunction with all other State Premiers and the Chief Minister for the Northern Territory. As reported in the Assembly by Ministerial Statement on 14 April 1999, the IGA sets out the conditions of the financial and administrative arrangements between the Commonwealth and state and territory governments. These govern implementation and administration of the GST, cessation of taxes and grants and payment of GST revenues to states and territories.

While all Heads of Government signed the IGA, they did so, knowing that the final shape of the tax reform package was unknown and could be subject to revision at the end of the day. This is principally why the ACT budget for 1999-2000, and forward estimates, are predicated on the assumption of the status quo in Commonwealth-State financial relations.

The focus of the work to date in all jurisdictions has primarily concentrated at the macro level concerning the development of the IGA in order to lock-in the funding arrangements underpinning the Commonwealth's national tax reform package. This approach was considered a priority in light of the Commonwealth's guarantee that no state or territory would be worse off under the compensatory package.

Overall, the effect of the reforms is expected to reduce costs to the ACT Government, conservatively estimated in the Commonwealth's Plan for a New Tax System, at some \$10 million each year. Embedded WST will be abolished and replaced with GST. However, as any GST paid to provide services could be claimed as a credit (except for functions that are input taxed) there will be a net reduction in costs.

Given that the tax reform legislation has yet to pass the Senate, the level of information sought by the Member is simply not available in most instances and may not be for some time.

To illustrate why this is the case, a number of service wide issues still remain unclear and further work by governments and business will need to be undertaken. Ultimately, rulings made by the Australian Taxation Office may be required to clarify 'grey' areas.

Before answering the Member's specific questions, a brief outline of the more important issues under consideration are highlighted below for the information of the Member, including:

- which government user charges are subject to GST;
- at what administrative level will the ACT lodge GST returns;
- the impact of the transitional provisions of the legislation;
- introduction of the Australian Business Number;
- how will the reform package affect the budget process; and
- cash flow implications for government and agencies.

Each of these issues is considered below.

Which Government user charges are subject to GST?

The GST does not apply to state and territory taxes, or fines but does apply to some fees and charges. The charges exempt from the GST tax are to be defined and subject to approval by the Commonwealth Treasurer.

The ACT has forwarded to the Commonwealth an initial list of taxes, fees, fines and charges together with other states and territories. The Commonwealth has sought additional information for presentation to an intergovernmental sub-committee, which will review all jurisdiction returns in order to achieve consistency across governments.

At what administrative level will the ACT lodge returns?

Presently, under the Bills before Federal Parliament the 'entity grouping' and 'branch' provisions will permit the ACT to lodge either one GST return for the whole of general government or separate returns for each branch or clearly distinguishable business units where a separate accounting system exists.

The impact of the transitional provisions of the legislation?

Any contracts entered into after 2 December 1998 that cover service provision after 1 July 2000 are subject to the transitional provisions of the legislation. The general rule under the legislation is that any service provided after 1 July 2000 will be subject to GST and any part of the service provided before 1 July 2000 will not.

The Government Solicitor's Office has been requested to examine the possibility of issuing a standard variation clause to be inserted into contracts straddling the time period.

Introduction of the Australian Business Number (ABN)

As part of the tax reform process, the Commonwealth Government will establish a register to allocate a unique number to each business registered as an entity for GST. The number will be used as an identifier for all dealings with Commonwealth agencies. This will remove the duplication of registers and numbers within the present tax system, enabling the lodgement of a single return covering several payment types, such as group tax and GST.

The legislation allows the number to be used by state and territory governments as a business identifier, for example, the ABN could be used as an identifier for ACT payroll tax or any other dealings with the ACT.

How it will affect the budget process?

Systems to account for the GST and enable input tax credits to be claimed will need to be put in place during 1999-2000.

What are the cash flow implications for Government and Agencies?

All agencies will be paying GST on purchases and claiming refunds via the input tax credit arrangement. Credits can be claimed on the basis of invoices and therefore the timing of cash payments in relation to the claiming of GST refunds will be important in minimising cash flow implications. Similarly, ACT agencies which supply goods and services will be required to collect GST and make remittances to the Australian Tax Office by the due date. Debt management strategies will need to be in place to ensure there are no adverse cash flow impacts.

Turning to the Member's specific questions.

(1) (i) will be subject to the GST;

Subject to the passage of the tax reform legislation through the Senate, in general, ACT Government agencies will have the same obligations as a business under the tax reform package. They will pay GST on their inputs, and charge GST on many of the goods and services they provide.

Consequently, all goods and services will be subject to GST except where there is special treatment under GST legislation, such as GST-free goods and services upon which GST is not levied, but GST paid on inputs can still be claimed by registered businesses eg. Health and Education.

The actual identification, and its application to the purchaser/provider framework is currently the subject of deliberations of an Interdepartmental Working Committee (IDC) established and chaired by the Office of Financial Management. It will also depend upon the final form of the legislation when it passes the Senate.

(ii) subject to (i), will be entitled to an input tax credit;

ACT agencies, as registered businesses, and paying GST will be able to claim the amount of GST paid on inputs back from the Australian Tax Office as an input tax credit. The work of the IDC will aim to identify such areas as part of the broader deliberations.

(iii) will be GST free (or zero rated);

This category relates to goods and services upon which GST is not levied, but GST paid on inputs can still be claimed by registered ACT agencies. Health, education, exports, childcare, religious services and charitable activities will not be included in the GST base.

Again, the IDC will be applying the broad definition to agency operations but the final outcome is yet to be identified.

(iv) will satisfy (i), but be paid without an input credit;

Finally, this category applies to goods and services which are not subject to GST and refunds for GST paid on inputs cannot be claimed. The main input taxed categories will be financial services and rental housing, the former due to the difficulty in calculating the amount of value added when it comes to transactions in money, and the latter to ensure neutral treatment between owner-occupied and other housing.

In the latter case, ACT Housing will experience some increase in costs, as residential rents will be subject to input taxation. However, the Commonwealth has agreed to additional funding in the transitional period following the introduction of the GST to offset states and territories for these impacts.

(v) that do not currently attract wholesale sales tax or wholesale sales tax equivalent payments, but satisfy (i).

Most ACT Government businesses are liable to pay wholesale sales tax equivalents.

Specifically, the following ACT Government GBEs are liable to pay wholesale sales tax equivalents: ACTION, EPIC, ACT Forests, Cultural Facilities Corporation, Milk Authority of the ACT, CIT Solutions, Australian International Hotel School, Gungahlin Development Authority, ACTEW Corporation, Totalcare Industries and CanDeliver. Of these CIT Solutions and the Australian International Hotel School have exemptions due to their status as educational institutions. Material wholesale sales tax equivalent payments are expected in the future from ACTION, EPIC, ACTEW Corporation and Totalcare Industries.

In addition to the above, ACTTAB pays wholesale sales tax directly to the Commonwealth.

Other than those listed above all other ACT Government statutory authorities do not currently attract wholesale sales tax or wholesale sales tax equivalent payments.

- (2) **By (a) name and (b) contracting party,**
- (i) **what is the current cost (or output payment) for those services that will attract a GST under the IGA clause;**

This information is not readily available and will be subject to the deliberations of the IDC tasked with implementing the GST when the final form of the Commonwealth package is known.

Importantly, however, where the GST is added to an ACT agency payment, under the input credit arrangement, the agency concerned will seek a refund as an input tax credit thereby neutralising the budgetary impact and ensuring the final liability is directed to the consumer of the service.

- (ii) **what will be the cost plus GST for those services outlined in (i);**

As above.

- (3) **Will the use of consultants and contractors by the ACT Government attract a GST.**

Yes. A GST is a broadly based consumption tax which aims to tax private final consumption expenditure and is charged on the supply of goods and services. Consultants and contractors are employed on the basis of providing a service. Any contractual payment would attract the GST. The ACT agency will pay the GST to the contractor or consultant (who in turn is required to remit the liability to the ATO) and seek a corresponding tax input credit. The net effect to ACT costs is nil.

- (4) **What will be the overall impact on the ACT operating position of the payment of GST to the Commonwealth.**

As already indicated, the effect of the reforms overall, is expected to reduce costs for Government. Embedded WST will be abolished and replaced with GST. However, as any GST can be claimed as a credit (except for functions that are input taxed) there will be a net reduction in the tax paid.

The ability to use input tax credits will more than offset the loss of the current WST exemption due to the effective removal of embedded taxes. This will result in costs declining for most agencies.

The final determination of the actual impact on ACT agencies is subject to the deliberations of the IDC and the final determination of the Commonwealth package itself.

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(5) Will the Commonwealth and ACT Government community policing agreement attract a GST.

Yes. The liability arises as a service is to be delivered. As outlined above, the payment of GST on this contract will be refundable as an input tax credit as the agency, or the ACT Government, will be registered as a business unit for the purposes of the GST. As such, since the agency is not the final consumer of the product it can claim the refund.

**Computers – Year 2000 Problems
(Question No. 158)**

Mr Stanhope asked the Chief Minister, upon notice, on 4 May 1999:

In relation to computer viruses and year 2000 (Y2K) problems -

- 1) Can you confirm that companies making contact with the ACT Government via electronic pathways are warned of the possibility of
 - a) Computer viruses; or
 - b) Y2K problems being passed on from the contact.
- 2) Does the Government have advice about the legal implications of passing on computer viruses or Y2K problems in this manner and if so, what is that advice.

Ms Carnell: The answer to the Member's question is as follows:

- 1) The Government follows best practice in this area by using regularly updated anti virus software to protect both infrastructure and business applications. The probability, therefore, of passing on computer viruses from authorised users is remote.

In relation to Y2K, our best advice is that problems will not be passed to companies making contact with the ACT Government. If any ACT Government IT systems malfunction as a result of Y2K, contingency plans will be in place so that services are not affected.

- 2) No, see (1) above.

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**Government Employees - Uniforms
(Question No.159)**

Mr Stanhope asked the Chief Minister, upon notice, on 4 May 1999:

In relation to the supply of uniforms to all ACT Government employees since 1 July 1998 -

- (1) What contracts has the Government (a) let for the supply of uniforms and (b) what is their value.
- (2) Which of the contracts listed in (1) have gone to suppliers from outside Canberra.
- (3) Which of those interstate contracts replaced local suppliers.

Ms Carnell: The answer to the Member's question is as follows:

- (1) (a) The only contract let since 1 July 1998 for the supply of uniforms was by Calvary Hospital on 29 March 1999 for the supply of uniforms to the majority of its staff.

(b) It is not possible to place a dollar value on the contract. Several variables will determine need, including staff turnover, wear and tear and timing of uniform requirements.
- (2) The contract mentioned in (1) above, was let to a company from outside Canberra. That company is Uniform Management Services, from South Australia.
- (3) The contract mentioned in (1) above did not replace a local supplier. Calvary Hospital previously sourced its uniforms from three suppliers. Those suppliers were:

Yakka, a NSW company with no staff in Canberra;
Fletcher Jones, a Victorian company with two retail outlets in Canberra;
and Neat N Trim, a Victorian company with one outlet in Canberra.

**SouthCare Aeromedical Service
(Question No. 160)**

Mr Stanhope asked the Minister for Health and Community Care, upon notice, on 4 May 1999:

In relation to the Southcare aeromedical treatment:

- (1) What are the financial arrangements in place with NSW patients for the use of The Canberra Hospital (TCH) medical facilities following Southcare aeromedical assistance.
- (2) What are the additional costs incurred by TCH consequent on the introduction of Southcare aeromedical treatment including those for theatre, ICU bed use, additional staff (ie wardsmen) and any other infrastructure costs involved.
- (3) Have there been occasions when surgery has been cancelled at TCH as a result of an emergency requiring theatre space or staff for Southcare patients and if so, how often has this occurred.

Mr Moore: The answer to the Member's question is:

- (1) Under the Health Care Agreement patients have access to services at TCH regardless of their geographical origins. This has always been the case whether they are brought in by road, Air Ambulance or helicopter. The cost of treatment of NSW patients is paid by NSW under the cross border arrangements.

The ambulance renders their account to the place of pickup. In other words, if a patient is picked up in NSW (regardless of his or her State of residence) and brought to the ACT, the bill goes to NSW for the ambulance trip.

- (2) A service level agreement is in place between the ACT Ambulance Service and The Canberra Hospital to fund the provision of aeromedical retrieval medical staff for the helicopter. Medical staffing involves Staff Specialists, who are paid a 10% allowance, Visiting Medical Officers, who are paid at their current contractual rate, and Registrars, who are paid as per their usual on call arrangements.

Wardsmen services are provided from within current allocations.

There has been little change in ICU average bed days in 1999, with the current average occupancy, being 10.23 beds per day.

Based on retrieval mission data for Southern Area Health Service Hospitals for the periods from 1 January 1998-30 September 1998 and 1 October 1998-31 March 1999 (the first six months of operation of SouthCare), it is anticipated that there will be an increase in the number of patients received at The Canberra Hospital via retrieval of 66 per year.

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Trends for the same period indicate a steady annual increase in all retrievals of about 7%, which is likely to further increase the figure of 66 in coming years.

- (3) No elective surgery has been cancelled because of SouthCare patients. Only 23% of these patients have arrived in regular working hours (8am -5pm, Monday-Friday). 55% of all SouthCare patients coming, to TCH have required immediate (within four hours surgery. Others have required other forms of immediate treatment not necessarily involving immediate surgery. There is staffing at TCH for an emergency and at many times a sub-acute theatre to respond to the continual demand for emergency and urgent operating time and SouthCare patients have been accommodated within that capability.

**Canberra Hospital Intensive Care Unit
(Question No. 161)**

Mr Stanhope asked the Minister for Health and Community Care, upon notice, on 4 May 1999:

In relation to The Canberra Hospital Intensive Care Unit (ICU):

- (1) How many beds are currently in operation at the ICU.
- (2) How many ICU beds are dedicated to (a) cardiothoracic surgery, (b) Southcare aeromedical treatment and (c) other surgery.
- (3) Were additional ICU beds and staff provided as a result of the introduction of cardiothoracic surgery and the Southcare helicopter service.
- (4) What has been the occupancy rate of the ICU since January 1999.

Mr Moore: - The answer to the Member's question is:

- (1) Staffing is provided to allow for 13 beds on a 1: 1 ratio.
- (2) (a) Three beds are dedicated to cardiothoracic surgery patients
b) and (c) Southcare and other surgical patients are accommodated in the remaining 10 beds
- (3) Three additional ICU beds have been provided for cardiothoracic surgery patients since the commencement of cardiac surgery. No additional beds were provided for Southcare patients.
- (4) The bed occupancy for the ICU from January to March 1999 has averaged 10.23 per day.

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Canberra Hospital – New Equipment Purchases

(Question No. 162)

Mr Stanhope asked the Minister for Health and Community Care, upon notice, on 4 May 1999:

In relation to The Canberra Hospital (TCH) equipment purchases, was any new equipment purchased to enable TCH to provide medical services to the National Capital Private Hospital, if so:

- (1) What were the equipment.
- (2) How much did it cost?
- (3) Where did the funding come from.
- (4) Are the returns on these facilities adequate enough to repay the original amounts and if so by, how much.

Mr Moore: The answer to Mr Stanhope's question is:

(1) & (2) The National Capital Private Hospital is co-located on The Canberra Hospital site and began operations on 24 August 1998. A wide range of services are provided by The Canberra Hospital to the National Capital Private Hospital under specific Service Agreements negotiated between the hospitals.

These services include pathology, radiology, ultrasound, nuclear medicine, biomedical engineering, food services, nutrition, fire safety, educational services, facilities management, staff vaccinations, physiotherapy, pharmacy, waste removal and provision of staff identification cards.

The services are not discounted to the private hospital and are charged on a competitive basis. TCH appointed a financial consultant, Coopers & Lybrand, to provide advice in respect of pricing and other commercial aspects of the Agreements and to ensure that all agreements:

- could provide a positive return on investment;
- could satisfy external scrutiny;
- are in accordance with National Competition Policy; and
- could satisfy Competitive Neutrality requirements.

Most of the aforementioned services are provided from facilities within The Canberra Hospital. There are, however, Pathology and Medical Imaging that are provided as satellite services of TCH that are physically located in TNCPH. These services are an extension of those physically provided within TCH, they are not owned by TNCPH.

To enable services to be provided competitively, it was necessary to purchase some additional equipment. The costs of which have been included in the negotiated price over the contract period. Purchases of equipment have been made in areas such as Food Services, Pathology, Pharmacy and Medical Imaging.

There have been advantages in having additional equipment for the public facility, and particularly in the case of medical imaging;

- It has been possible to undertake additional public patient throughput especially in the ambulatory outpatient setting. The waiting lists for CT examinations have reduced from four (4) weeks to nil waiting.
- Purchase of new equipment has assisted with the upskilling of TCH staff to new levels of technology.
- When any of the TCH equipment is down (eg routine maintenance and breakdowns) it has also been possible to access the satellite equipment to continue to provide public patient services on this campus where previously these patients may have been referred to other service providers. For example the TCH satellite equipment can now be accessed on the one day per month when medical imaging equipment in TCH is unavailable due to regular maintenance.

In the Medical Imaging and Pathology areas specific equipment purchased was:

- Medical Imaging - A package of items were bought from Toshiba, comprising a CT Scanner, general x-ray unit, mobile unit and ultrasound at a price of \$843,500.

Further items were purchased from AGFA, comprising a processor and laser. Included as part of this package were the cassettes, an ID camera and chemical mixer. The total price was \$139,215.

- Pathology - A number of items was purchased including a blood refrigerator, cryostat for frozen sections, microscope for frozen sections, blood gas analyser and blood collection chair and trolley. This was for a total price of \$91,700.
- (3) The equipment for both Medical Imaging and Pathology were purchased from equipment funding which is provided annually by the Department.

TCH is continuing to explore avenues for financing of the Medical Imaging equipment. Should financing be arranged, repayments will be scheduled for the same period (5 years) as the contract between TCH and the NCPH.

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(4) Based on current analysis of costs and revenue it is expected that the Pathology expenditure will be recovered within the first year of operation.

The business case for the Medical Imaging equipment included an equipment loan repayment plus interest over the period of the contract, this also included a cash surplus. Since opening, the service has seen a slow but steady growth in utilisation and the returns are below the original forecasts. In addition, outpatient referrals from the consulting suites at TNCPH have not been to the level expected due to the mix and number of specialists occupying the suites. It is understood that TNCPH are looking at additional consultants to change this mix which would then provide a broader referral base for the satellite service.

Canberra Hospital – Bypass System

(Question No. 164)

Mr Stanhope asked the Minister for Health and Community Care, upon notice, on 4 May 1999:

In relation to The Canberra Hospital (TCH) bypass system:

- (1) How many times has TCH been on bypass this year
- (2) On each occasion what triggered the bypass.

Mr Moore: The answer to Mr Stanhope's question is:

The Canberra Hospital offers a major trauma service and is never "on bypass" for seriously ill patients of any description. The hospital operates a "stable patient redirection" policy whereby ACT Ambulance Control is directed to transport stable patients excluding Priority 1, paediatrics, trauma, plastics, orthopaedic, ENT, thoracic, vascular, neurosurgery, renal, endocrine and neurology patients to Calvary Hospital.

Clearly this is a large list of exclusion criteria, and a relatively small number of patients are redirected.

- (1) Stable patient redirection records were not formally kept by The Canberra Hospital until early 1999. For March and April 1999, there were 19 four hour periods on eight different days when the stable patient redirection protocol was activated.
- (2) On each occasion, activation of the stable patient redirection protocol was triggered by a lack of available inpatient beds.

Canberra and Calvary Hospitals – Purchaser/provider Agreements

(Question No. 165)

Mr Stanhope asked the Minister for Health and Community Care, upon notice, on 4 May 1999:

In relation to the purchaser/provider contract agreement with (a) The Canberra Hospital and (b) the Calvary Hospital

- (1) How many variations (please provide details) were made to the contract for the hospitals since its commencement.
- (2) Who initiated the variations.
- (3) How far out were these variations from the original contract targets.

Mr Moore: The answer to the Member's question is:

(a) The Canberra Hospital

- (1) As at 14 May 1999 thirteen variations had been made to the 1998-99 Contract between the Department of Health and Community Care and The Canberra Hospital. Details of these are provided at Attachment A.
- (2) Information on which party to the Contract initiated the variation is provided in Column E of Attachment A.
- (3) The answer to this question is in Column D of Attachment A.

(b) Calvary Public Hospital

- (1) As at 14 May 1999 eight variations had been made to the 1998-99 Contract between the Department of Health and Community Care and Calvary Public Hospital. Details of these are provided at Attachment B.
- (2) Information on which party to the Contract initiated the variation is provided in Column E of Attachment B.
- (3) The answer to this question is in Column D of Attachment B.

ATTACHMENT A

1998-99 Contract Variations The Canberra Hospital

A	B	C	D
Variation to No.	Contract Initiated Schedule	Variation	Variation original contract price
1.	2	Intensive Recruitment Program-Mental Health Nurses	+\$250,000
2.	2	Aboriginal Liaison Officer (2nd position)	+\$52,000
3.	2,3	+49.01 cws (approx. 100 patients) dental surgery for patients under 10 yrs	+\$60,000
4.	2	National Mental Health Strategy Projects:	
		Connections Volunteer Project	\$73982
		Outreach education	\$76983
		Psychiatric Vocational Rehab. Project	\$99852
		Accommodation Support Team	\$126500
			+\$377,317
5.	2	Commonwealth Specific Purpose Payment for Magnetic Resonance Imaging	-\$848,000
6.	2	Surgical Instruments	+\$690,812

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7.	2,3	Redirection of Surgical cws:	
Unchanged	TCH		
		+ 100 public cws Vascular Surgery	
		+50 public cws Neurosurgery	
		- 150 public cws Urology	
8.	2	Purchase of ICU Services from the National Capital Private Hospital	+\$58,679
9.	2	1998-99 Cash in for Care Plus Clients	-\$806,604
10.	3	Salary- Surgical Services Business Manager	+\$50,451
11.	2,3	Purchase of additional cws:	
		+200 public cws Neurosurgery \$351 260	
		+250 public cws Vascular Surgery \$4390 75	
		+200 public cws Orthopaedics \$351 260	
		DH&CC	
		+\$1,141,595	
12.	2	Additional funding for Purchase of ICU Services	+\$441,321
13.	2	Additional Payment for Vaccine Delivery Service:	
		Purchase of 2nd storage fridge	\$8 500
		Additional service delivery of flu vaccine for people over 65 yrs	\$17227
			+\$25,727
		TOTAL	\$1,493,298

Notes

cws = cost weighted separations
DH&CC = Department of Health and Community Care
TCH = The Canberra Hospital

ATTACHMENT B**1998-99 Contract Variations Calvary Public Hospital**

A	B	C D	E
Variation No.	Contract Schedule	Variation	Variation to original contract price
1.	2,3	Variation to Orthopaedics Throughput ("joints" related procedures): + 421 public cws + 35.71 private cws	+\$1,000,000
2.	2	Dental Surgery: Medical cost component taken out of the AN-DRG payment for Dental Services to reflect the use of ACWC salaried dentists	-\$60,000
3.	2,3	Purchase of additional Throughput: + 123 public cws Urology +67 public cws Gynaecology + 163 public cws General Surgery	+\$500,000
4.	2	New Patient Administration System	+\$750,000

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5.	2,3	Redirection of Cost weights:	Unchanged	Calvary
		- 90 public cws Dental		
		+ 90 public cws Gynaecology		
		- 90 cws outlier beddays		
		+ 70 public cws Gastroenterology		
		+ 20 private cws Gastroenterology		
6.	2	1998-99 Cash in for Care Plus Clients	-\$205,172	DH&CC
7.	2	Youth Suicide Awareness and Prevention Education Training Program for Professionals	+\$93,000	DH&CC
8.	2	1998-99 Comcare Premium and Oracle Upgrade:	-\$81,180	DH&CC
		50% of Calvary Public Hospital's 1998-99 Comcare premium savings (\$162,361) returned to the Dept. and 50% allocated to Oracle upgrade.		
		TOTAL		\$1,996,648

Notes

AN-DRG Australian National Diagnostic Related Groups
 ACTCC= ACT Community Care
 cws= cost weighted separations
 TCH= The Canberra Hospital

Ownership Agreements

(Question No. 166)

Mr Stanhope asked the Minister for Health and Community Care, upon notice, on 4 May 1999:

In relation to ownership agreements:

In relation to ownership agreements can the Minister advise me

- (1) Have service providers (including their individual divisions) contracted to the Department of Health and Community Care specifically

The Canberra Hospital
ACT Community Care
Calvary Hospital Public Division and
related non-government organisations

met their targeted objectives, both financial and otherwise, thus far, as listed in their individual ownership agreements.

- (2) What objectives have not been met and by whom.

Mr Moore: The answer to the Member's question is:

It is assumed that Mr Stanhope means Purchase Agreements between the Department of Health and Community Care and various service providers (government and non-government) and not Ownership Agreements. The latter which relate to Government's ownership interests in ACT public sector entities are agreements between the Treasurer and the entity concerned.

- (1) The Department enters into Purchase Agreements with service providers on the basis of volume, price and quality. Contract periods are generally for one year although the Department will be moving to three year contracts for a number of non-government organisations from 1999/2000.

For the most part, performance measures are expressed as annual targets - Purchase Agreements do not stipulate monthly or quarterly targets, financial or otherwise.

In monitoring the performance of organisations throughout the year, the Department may well rely on comparison against pro-rata financial and output projections as a means of gauging the likely full year outcomes for an organisation.

The Legislative Assembly has for some time received significant information on the delivery of health and community care services' outputs.

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In line with the *Financial Management Act 1997*, Members of the Legislative Assembly are provided with quarterly reports detailing performance against major indicators. A copy of the March Report provided to Members is attached for your convenience.

A report detailing performance by service providers against measures in Purchase Agreements is also tabled quarterly. Again for the convenience of Members, a copy of the December 1998 report is also attached. The March 1999 Report is currently being prepared.

Monthly information bulletins for The Canberra and Calvary Hospitals are also tabled in this Assembly.

- (2) As indicated earlier, Purchase Agreements do not generally include monthly or quarterly targets and it is not possible therefore to respond to Mr Stanhope's question.

The Department does however apply some tests of performance as part of its monitoring role, and seeks additional information where possible anomalies are identified.

A number of organisations are not able to meet the Department's deadlines for submission of quarterly reports and the Department is working with these organisations to see what can be done to overcome the reporting problems.

Database of Alleged Child Abusers

(Question No. 167)

Mr Stanhope asked the Minister for Education, upon notice, on 4 May 1999:

In relation to the database of alleged child abusers, is it the case that the database has been kept by the Department since 1990, if so

1. What is the purpose of the database?
2. On whose authority was the database created?
3. How large is the database and is it growing as reported, at a rate of 500 names a year?
4. Do any guidelines or protocols apply to the operation of the database and if so will you table them?"

Mr Stefaniak: The answer to Mr Stanhope's question is:

1. All States and Territories keep Child Protection Client Information Systems. A Client Information System has been maintained in the ACT since the Children's Services Act was gazetted in 1986.

The purpose of the system is to hold information so that risks to particular children can be appraised and protective action taken where necessary.

In each case the name and address of the child, the details of the allegations and, if there is reasonable cause to believe the allegations are true, the person believed responsible, are entered onto a central client information system.

2. Section 104 of the Children's Services Act 1986 requires the Director of Family Services to keep a record of each notification made to her about the suspected abuse and/or neglect of children.
3. In 1997-98, 359 children in the ACT were subject to notifications of suspected abuse and/or neglect where there was reasonable cause to believe the allegations were true. This extrapolates to 4.7 children per thousand children. (Australian Institute of Health and Welfare data).

The majority of these notifications in the ACT during 1997-98 were about physical abuse, (176 notifications). The smallest number of notifications, (47), pertain to alleged sexual abuse.

22 June 1999

While the number of new notifications of alleged abuse is not increasing each year, the information on the system does increase as new reports are received and recorded. It is important that past information remains on the system because historical data is a critical tool for appraising serious risks to children, particularly young children.

International research and the findings of Child Death Review teams consistently point to the importance of accessing all information so that patterns of alleged maltreatment can emerge over time.

Appraising all information means that appropriate protective action, including legal action, can be taken if other attempts to keep children safe in a supportive and conciliatory way are not succeeding.

4. The procedures used in Family Services, including the Client Information System, will be provided to the Member.

Computers – Year 2000 Problems

(Question No. 168)

Mr Corbell asked the Chief Minister, upon notice, on 5 May 1999:

In relation to strategies for the year 2000 (Y2K) problem -

- 1) Under the 1998-1999 Budget, the Year 2000 hotline was established in response to the Y2K problem
 - a) how many small and medium businesses have contacted the hotline; and
 - b) has the effectiveness of this strategy been assessed and if so what were the results.
- 2) Has the Government written to private sector organisations who are licensed to distribute mains gas and electricity in the ACT regarding the Y2K issue as promised in the 1998-1999 Budget and if so what responses have been received.
- 3) What other specific strategies has the Government employed to promote Y2K compliance within the community.

Ms Carnell: The answer to the Member's question is as follows:

- 1) a) The average number of calls to the hotline between July 1998 and April 1999 has been 44 per month. Information from each caller as to their background is not sought by the hotline so it is not possible to report on the number who have called on behalf of small to medium businesses.

b) The 1-800 Y2K hotline forms an element of a national communications strategy and is assessed by the National Y2K Steering Committee on which the ACT is an active member. Total calls to State and Territory based hotlines have ranged from around 3000 per month to over 15000 in March this year. This jump in March was due largely to extensive Y2K advertising of a Y2K "work-book" aimed at SMEs in Queensland. As a result of the Queensland experience, the National Y2K Steering Committee will utilise the hotline as the primary point of contact for both SMEs and the general public as part of a national advertising campaign planned to commence in July.
- 2) The Government has been in contact with AGL, the mains gas supplier for the Territory, and with ACTEW regarding Y2K status. On 12 January 1999, the Government received a written response from AGL indicating that the utility was very well advanced in its Y2K preparations.

22 June 1999

My department receives a monthly report from ACTEW regarding its Y2K status and this is included in a monthly report on ACT Government Agency progress which is issued publicly. In addition to media sources, this report is available via the ACT Government's Y2K website. Additional information on ACTEW's Y2K activities are available via its website.

In addition to monitoring ACTEWs activities, the ACT is represented in two national forums which monitor information regarding the preparations of electricity generators across Australia. A national Infrastructure Forum, which will include representatives from these electricity providers speaking about the readiness of their industry, is planned for the ACT in August.

- 3) The Government is employing a number of strategies to promote compliance within the community. ACT Government activities with regard to promoting compliance fall into two primary areas: a local communications strategy and participation in the development of a national communications strategy.

Locally, the Government is handling Y2K communications in a number of ways, including the establishment of a Y2K website and the resourcing of a Y2K Hotline. In March this year, I sent letters to organisations representing Small to Medium Enterprises asking them to encourage their members to prepare appropriately. The Government also reports publicly on a monthly basis the Y2K status of public sector agencies. A full Y2K community communications strategy is being developed by the Office of IT & Multimedia to cover the critical period between June and the end of this year. This strategy will be presented to Government in May 1999.

At a national level, the ACT is participating in the development of a national communications strategy, which will focus on two key areas - SMEs and the general community. These will involve an extensive campaign in the print media, on radio and possibly on television and is scheduled to start in July.

Animal Liberation Members – Arrest

(Question No. 169)

Mr Corbell asked the Minister for Justice and Community Safety, upon notice, on 5 May 1999:

In relation to the arrest of members of Animal Liberation at Parkwood on 2 April 1999

(1) *Were you present at the City Police Station on the morning of 2 April 1999 and if so, what was the purpose of your visit.*

(2) *Were (a) discussions held and/or (b) any other involvement between yourself and the police relating to the arrest following the protest at Parkwood.*

Mr Humphries: The answer to the member's question is as follows:

- (1) I was not present at City Police Station at any time on the morning of Friday 2 April 1999. I was, however, present at the Station for a short time after 3pm on the afternoon of Friday 2 April 1999. That visit had been arranged previously for the purposes of accompanying police on traffic operations during the afternoon. I spent some hours accompanying police from the North Traffic Team while they undertook speed checks.
- (2) (a) While I was at City Police Station, the AFP's Duty Officer (who was also at the Station) took the opportunity to verbally brief me on the events and the police response. Such a procedure is often used by senior police to brief me on major operations or incidents. I do not direct police on operations but they do, from time to time, brief me on the outcome of operations.

(b) When I arrived at City Police Station, I met several police who had attended the Parkwood demonstration.

Taxi Services

(Question No. 170)

Mr Hargreaves asked the Minister for Urban Services, upon notice, on 5 May 1999:

In relation to Aerial Taxi Cabs Co-operative Society Limited (the Society)

- (1) Does the Government have any agreements or arrangements in place with the Society which trades as Canberra Cabs for the provision of taxi services in the ACT.
- (2) What is the legal status of the Society and Canberra Cabs.
- (3) Has any investigation been made about the inter-relationship between the Society and Canberra Cabs in the context of section 71 of the Co-operative Societies Act 1939.

Mr Smyth: The answer to the Member's question is as follows:

- (1) Yes. The Department of Urban Services has entered into a service level agreement with the Aerial Taxi Cabs Society Limited which:
 - (a) determines the level of taxi services to be provided to the ACT community; and
 - (b) defines performance measures for the level of service provided and, in particular, their quantity, quality and effectiveness, and their timeliness and cost.
- (2) The Registrar of Co-operative Societies advises that the Aerial Taxi Cabs Society Limited is a co-operative society registered under the Co-operative Societies Act 1939. I am advised by the Registrar-General that Canberra Cabs is a business name registered by the Society.
- (3) I am not aware of any previous investigation having been made into this matter. However, I am advised by the ACT Government Solicitor that sub-section 71 (1) of the Co-operative Societies Act 1939 provides as follows:

"A society which uses any name other than its registered name shall be guilty of an offence.

Penalty: 250 penalty units".

On its face, this section might appear to preclude the use of a business name by a co-operative society. However, I am advised that there may be doubt that a court would interpret this provision in a manner which would deny a co-operative society the benefit, which is available to any other trading entity, of the *Business Names Act 1963*.

The Government Solicitor advises that section 71 does not prevent the mere registration of a business name by the Society. Further, this provision would not be breached if the Society used the name "Aerial Taxi Cabs Co-operative Society limited trading as Canberra Cabs".

A court might also find that there are occasions without legal significance where the use of the name "Canberra Cabs" without the Society's full name does not amount to a "use" of a name other than its registered name within the meaning of section 71.

I am also advised that it needs to be borne in mind that the onus would be on the Crown, in any prosecution under section 71, to prove beyond reasonable doubt that an offence had in fact been committed.

Parkwood Egg Farm

(Question No. 171)

Ms Tucker asked the Minister for Justice and Community Safety, upon notice, on 6 May 1999:

In relation to the entry by members of Animal Liberation into the Parkwood Egg Farm (the Farm) on 2 April 1999

1. Why did the police who attended the incident at the Farm decide not to act as inspectors and undertake an immediate inspection of the Farm, which they are entitled to do under the Animal Welfare Act 1992, when advised by Animal Liberation members that inside the Farm there were serious breaches of the Code of Conduct for the Keeping of Domestic Poultry.
2. Why did the police use an earlier inspection report on the Farm to suggest to the RSPCA official that she had no need to use her emergency powers to enter the Farm to investigate the concerns of the Animal Liberation members, rather than the police taking account of the actual conditions of the hens discovered by Animal Liberation on that day.
3. Why did the police allow media reporters to enter the farm to get a response from Parkwood management but not allow the RSPCA or Animal Liberation members to observe this interview.
4. Was any examination undertaken by the Government Veterinary Officer of the dead hens taken out of the cages by Animal Liberation members and given back to the Farm, and if so, what were the findings of this examination.
5. Given that the breaches of the Code of Conduct revealed by Animal Liberation members on 2 April 1999 are a continuation of breaches found by Animal Liberation in a similar entry to the Farm in October 1995, why has there been no legal action taken since 1995 to address these breaches.
6. What (a) government inspections of the Farm have been undertaken since October 1995 and (b) have been the findings of these inspections.

Mr Humphries: The answers to Ms Tucker's questions are:

1. Upon arrival at Parkwood Eggs on 2 April 1999, police liaised with the management of the premises and with the protesters. In response to concerns raised by protesters, police did undertake an inspection of the sheds where the protesters were located. While observing an intensive poultry production business, police noted that the birds were being managed in accordance with the *Code of Practice for the Welfare of Animals: Domestic Poultry* (a copy of which had been supplied to police by the protesters). I am advised that Police saw nothing which gave them a grave or serious apprehension that breaches of the Code of Practice or the Animal Welfare Act 1992 were being committed by the proprietors of Parkwood Eggs.

2. Police did not use an earlier inspection report to suggest to the RSPCA official that she had no need to use her emergency powers to enter the Farm. When the Senior RSPCA Inspector arrived at the Farm (at the request of Animal Liberation) she was provided with a full briefing by Police on all of the available information. This briefing included reference to the prior inspection report and the Inspector was shown a copy of the report. The Inspector was also informed that the owners of the property had not given their consent for her to inspect the property. The decision to obtain a Warrant to enter the premises or to utilise the Emergency Powers of Entry under section 83 (3) (c) of the Animal Welfare Act 1992 was a decision to be taken by the RSPCA Inspector herself. It was the RSPCA Inspector's decision not to enter the premises.

3. Police did not allow the media to enter the farm to get a response from Parkwood Management. Parkwood Management expressly declined a request to be interviewed by the media. Permission was however given by Parkwood management for the media to conduct an interview on the premises with a representative of the Australian Federal Police. The Police Officer concerned chose not to be interviewed in the presence of the protesters.

4. The ACT Government Veterinarian was not presented with any dead hens to examine. His efforts were directed to disinfecting the shed entered by trespassers to minimise the risk of an outbreak of Newcastle Disease. The facilities were under bio-security control at the time of the Animal Liberation raid following suspected outbreaks of Newcastle Disease in NSW as advised by the Egg Marketing Board.

5. This question assumes that there were in fact breaches of the Code. Allegations to this effect have been made to the Government but with one exception (see below), Animal Liberation has not supplied the Government with any supporting evidence.

The most frequently made allegation of breaches of the Code is in fact not a breach of the Code but a misinterpretation by members of Animal Liberation of the requirements of the Code. Animal Liberation alleges that in 500 cages, hens have access to only one water nipple. However, the Code requires that hens have access to two drinking points, either drinkers, nipples or cups. Previous inspections have shown that the typical arrangement at Parkwood is for water to be supplied by way of a nipple with a cup located directly underneath the nipple.

Independent veterinary reports supplied recently by Animal Liberation will be taken into account in reviewing the allegations.

6. (a) There have been 12 inspections of the Farm since October 1995.

6. (b) The general finding from all inspections conducted has been that the legislation and the relevant Code are being complied with by farm management. On some occasions, requirements of the *Code of Practice for the Welfare of Animals: Domestic Poultry* and the *Animal Welfare Regulations* were not being adhered to strictly. However, as this non-adherence was corrected immediately by farm management the matters were not ones appropriately referred to the Director of Public Prosecutions to consider prosecution.